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COLLECTION
OF THE
PARLIAMENTARY
DEBATES
IN
ENGLAND,

FROM
THE YEAR MDC, LXVIII.

To the present Time.

VOL. I.

DUBLIN: Printed.

LONDON: Reprinted and sold by Y. B. S. & Co. 1794.

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THE
P R E F A C E.

TH E publisher of the following collection has nothing else to value himself upon, on account of this performance, than his having gathered together, from many scattered volumes, and thrown under one view, and in order of time, such of the parliamentary debates as he could meet with in print, from a few years after the restoration, to the present time. This, it is hoped, will be favourably received by the public, as an useful attempt towards what has been much desired for many years, but never yet executed.

Collections of Debates in Parliament, however imperfect, have been always so well received by the public, that in a few years after their publication they grow so scarce,
A 2 that

that they can rarely be met with. All that have hitherto been published, except within a few years past, have either been debates upon some particular point, in a single session; some few detached speeches of one or more gentlemen; of the history of one, or more sessions of Parliament; containing, rather exact journals of all their proceedings, than a collection of speeches, the few they give being greatly abridged, and consequently make a very inconsiderable figure in those Collections. Such are Sir *Simon D'Ewes's*, and *Townshend's* Collections, which give a history of the Parliaments in *Queen Elizabeth's* reign. These, it is true, are very curious and valuable Collections, but seem rather calculated for making one thoroughly acquainted with the rules and orders of the House, than to give much insight into the *History* and *Constitution* of the country, or great entertainment to the mind. *Rushworth's* Collections are of quite another kind from any of these. His scheme was vastly more extensive, and parliamentary affairs came in, only as a part of his general design: But what he has done this way, is much more complete, and satisfactory, than any thing else of the kind, in all our *English* history. This, indeed, would have made a noble addition to the present Collection; but then, those gentlemen, who are already possessed of *Rushworth*, might have thought it a hardship upon them, to be laid under a necessity

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sity of wanting this Collection, or of buying over again what they had before. However, it is the intention of the editor, as soon as the present design is finished, to publish, in a supplement, all the speeches in *Rushworth*, together with any material papers which may possibly be omitted in the present Collection.

As for the present work, what is now offered to the public is a Collection from a great number of books, many of which are scarce, and bear a great price. Many things have been omitted, which would have swelled it's bulk, but would have added little to it's usefulness or entertainment. The greatest care was taken to prevent any thing that might look like party business in it; nothing was designedly left out, which was not judged to be spurious, or not agreeable to the design of such a collection; nor any thing added, meerly on account of it's being favourable to any party. And the reader may be assured, that there is not any debate published in the collection, but with a view to give some light into the *History* and *Constitution* of *England*, or to teach some important lesson in *Politics*; either by pointing out the dangers that attend the public liberty, from the encroachments of the Court, and the open and secret attacks which have been made upon the Constitution from that quarter or the low mean arts which have been employed by party-men, to throw every thing into confusion,

in order to gratify private interested views, under the name of Patriotism. In short, whatever appeared to have been spoken or done in either of the houses, which had any tendency to what should be the chief view of such a collection, has, as far as proper materials could be procured, been faithfully inserted. And as there were many very curious, and remarkable Speeches made in the Scotch Parliament, especially about the time of the Union, the reader will not probably be ill pleased to meet with several of them in this Collection.

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Parliamentary Debates.

The Eighth Session of the Second
Parliament, K. Ch. II. 1668.

Duke of BUCKINGHAM's Speech, in a Conference between the Houses of Lords and Commons, concerning a Dispute between the East-India Company and Mr. SKINNER, 1668.

Gentlemen of the House of Commons,

I AM commanded by the house of Peers, to ^{Duke of Buckingham's} open to you the matter of this conference ; ^{Speech,} which is a task I could wish their Lordships had been pleased to lay upon any body else, both for their own sakes and mine: Having observed in that little experience I have made in the world, there can be nothing of greater difficulty, than to unite men in their opinions, whose interests seem to disagree.

This, gentlemen, I fear is at present our case ; but yet I hope when we have a little better considered of it, we shall find that a greater interest does oblige us at this time, rather to join in the preservation of both our privileges, than to differ about the violation of either.

We acknowledge it is our interest to defend the right of the Commons, for should we suffer them to be oppressed, it would not be long before it might

come to be our own case; and I humbly conceive it will also appear to be the interest of the Commons, to uphold the privilege of the Lords, that so we may be in a condition to stand by and support them.

All that their Lordships desire of you upon this occasion, is, That you will proceed with them as usually friends do, when they are in dispute one with another; that you will not be impatient of hearing arguments urged against your opinions, but examine the weight of what is said, and then impartially consider which of us two are the likeliest to be in the wrong.

If we are in the wrong, we and our predecessors have been so for these many hundreds of years, and not only our predecessors, but yours too: This being the first time that ever an appeal was made in point of judicature, from the Lords House to the House of Commons. Nay, those very Commons, which turned the Lords out of this House, though they took from them many other of their privileges, yet left them the constant practice of this till the very last day of their sitting; And this will be made appear by several precedents these noble Lords will lay before you, much better than I can pretend to do.

Since this business has been in agitation, their Lordships have been a little more curious than ordinary, to inform themselves of the true nature of these matters now in question before us; which I shall endeavour to explain to you as far as my small ability, and my aversion to hard words, will give me leave; for howsoever the law, to make it a mystery and a trade, may be wrapt up in terms of art, yet it is founded in reason and is obvious to common sense.

The power of Judicature does naturally descend, and not ascend; that is, no inferior Court can have any power which is not derived to it from some power above it.

The

The King is by the laws of this land, Supreme Judge in all causes Ecclesiastical and Civil. And so there is no court, high or low, can act but in subordination to him; and though they do not all issue out their writs in the King's name, yet they can issue out none but by virtue of some power they have received from him.

Now every particular court has such particular power as the King has given it, and for that reason has its bounds: But, the highest court in which the King can possibly sit, that is, his supreme court of Lords in Parliament, has in it all his judicial power, and consequently no bounds, I mean no bounds of jurisdiction; for the highest court is to govern according to the laws as well as the lowest.

I suppose none will make a question, but that every man and every cause is to be tried according to *Magna Charta*; that is, by his Peers, or according to the laws of the land. And he that is tried by the Ecclesiastical courts, the court of Admiralty, or the high court of Lords in Parliament, is tried as much by the laws of the land, as he that is tried by the *King's-Bench*, or *Common-Pleas*.

When these inferior courts happen to wrangle among themselves, which they must often do by reason of their being bound up to particular causes, and their having all equally and earnestly a desire to try all causes themselves, then the Supreme Court is forced to hear their complaints, because there is no other way of deciding them. And this, under favour, is an original cause of courts though not of men.

Now, these original causes of courts, must also of necessity induce men, for saving of charges, and dispatch sake, to bring their causes originally before the Supreme Court. But then the court is not obliged to receive them, but proceeds by rules of prudence, in either retaining or dismissing them as they think fit.

This is, under favour, the sum of all that your precedents can shew us, which is nothing but what we practise every day ; that is, that very often, because we would not be molested with hearing too many particular causes, we refer them back to other courts, and all the argument you can possibly draw from this, will not in any kind lessen our power, but only show an unwillingness we have to trouble ourselves often with matters of this nature.

Nor will this appear strange, if you consider the constitution of our House, it being made up partly of such whose employments will not give them leisure to attend the hearing of private causes, and entirely of those that can receive no profit by it.

And the truth is, the dispute at present is not between the House of Lords and the House of Commons, but between us and *Westminster-Hall*. For as we desire to have few or no causes brought before us, because we get nothing by them, so they desire to have all causes brought before them for a reason a little of the contrary nature.

For this very reason, it is their business to invent new ways of drawing causes to their courts, which ought not to be pleaded there. As for example, this very cause of *Skinner* that is now before us (and I do not speak this by rote, for I have the opinion of a reverend Judge in the case, who informed us of it the other day in the House) they have no way of bringing this cause into *Westminster-Hall* but by this form ; the reason and sense of which I leave you to judge of.

The form is this, that instead of speaking as we ordinary men do that have no art, that Mr. *Skinner* lost a ship in the *East-Indies* ; to bring this into their courts, they must say, that Mr. *Skinner* lost a ship in the *East-Indies*, in the parish of *Islington*, in the county of *Middlesex*.

Now some of us Lords, that did not understand the refinedness of this style, began to examine what the reasons of this should be ; and so we found that
since

since they ought not by right to try such causes, they are resolved to make bold, not only with our privileges, but the very sense and language of the whole nation.

This I thought fit to mention, only to let you see that this whole cause, as well as many others, could not be try'd properly in any place but at our bar; except Mr. *Skinner* would have taken a fancy to try the right of jurisdictions between *Westminster-Hall* and the court of Admiralty, instead of seeking relief for the injuries he had received, in the place only where it was to be given him.

One thing I hear is much insisted upon, which is the trial without juries; to which I could answer, That such trials are allowed of in the Chancery and other courts, and that when there is occasion for them we make use of juries to, both by directing them in the *King's-Bench* and having them brought up to our Bar.

But I shall only crave leave to put you in mind, that if you do not allow us in some cases to try without juries, you will then absolutely take away the use of impeachments, which I humbly conceive you will not think proper to have done at this time.

Lord Lucas's Speech in the House of Lords, The tenth Session of the second Parliament.
Feb. 22d. 1671. *Upon the reading of the Subsidy Bill the second time in the presence of his Majesty.*

My Lords.

WHEN, by the Providence of Almighty God, Lord Lucas's Speech.
this nation recalled his Majesty to the exercise of the regal power, it was the hope of all good men, that we should not only be restored to his Majesty's royal presence, and the divine laws, but that we should be free from those heavy burthens under which we had lain so long oppressed: We did believe that from thenceforth every man should sit under his own vine, enjoying the fruits of peace

and plenty; and that *Astrea* herself, long since for the sins of men fled up to Heaven, should have been invited, by his Majesty's most gracious and happy reign, to return hither and dwell with us, and converse amongst mortals again.

But alas! We are all fallen very short of our expectations, and our burthens are so far from being made lighter to us, that they are heavier than ever they were; and as our burthens are increased, so our strength is also diminished, and we are less able to support them.

In the times of the late usurping powers, although great taxes were exacted from us, we had then means to pay them, we could sell our lands, our corn and cattle, and there was plenty of money throughout the nation; now there is nothing of this; brick is required of us, and no straw allowed to make it with. For that our lands are thrown up, and corn and cattle are of little value, is notorious to all the world.

And it is as evident there is a scarcity of money; for all the parliament money called *Breeches* (as fit for the coin of the *Rump*) is wholly vanished; the King's proclamation and the *Dutch* have swept it all away, and of his now Majesty's coin, there appears but very little, so that in effect we have none left for common use, but a little old lean coined money of the three late former Princes, and what supply is preparing for it, my Lords? I hear of none, unless it be of copper farthings, and this is the metal that is to vindicate, according to the inscription on it, *the dominion of the four seas*.

And yet if amidst this scarcity, the vast sums given were all employed for the *King and Kingdom*, it would not so much trouble us; but we cannot without infinite regret of heart, see so great a part of it pounded up in the purses of other private men, and see them flourish in estates, who in the time of his Majesty's most happy restoration, were worth
very

very little or nothing ; and now the same men purchase lands, and keep their coach and six horses, their pages and their lacqueys ; while in the mean time those that have faithfully served the King are exposed to penury and want, and have scarce sufficient left to buy them bread.

And is this, my Lords, the reward of our services ? Have we for this born the heat of the day, been imprisoned, sequestred, and ventured our lives and our families, our estates and our fortunes ? And must we after all this sacrifice so much of our poor remainder to the will of a few particular men, and the maintenance of their vanities ?

But suppose all the money given were employed for the use of his *Majesty*, and his *Majesty* were not couzened (as without doubt he is) is there no bounds to, or moderation in giving ? Will you say that if we shall not plentifully supply his *Majesty*, he will not be able to defend us, or maintain the triple league ? *And we shall thereby run the hazard of being conquered.*

'Tis true, my Lord's, that this may be a reason for giving something ; but it is so far from being an argument for giving so much, that it may be clearly made out to your Lordships, that it is the *direct and ready way to be conquered by a foreigner.* *And it may be the policy of the French King, by those often alarms of armies and fleets, to induce us to consume our treasure in vain preparations against him :* And after he has by this means made us poor and weak enough, he may then come upon us and destroy us.

It is not, my Lords, the giving of a great deal, but the well managing of the money given that must keep us safe from our enemies ; your Lordships may be pleased to call to mind the story of *Sampson* ; while he preserved his hair wherein his strength lay, he was still *victor over his enemies* ; but when by the enticement of his *Dalilah*, his hair was cut off, the *Philistines* came upon him, and overcame him : And so, my Lords, if we shall preserve and husband well

our treasure, wherein our strength and the sinews of war lie, and apply it to the right uses, we shall still be superior to all our enemies; but if we shall vainly and imprudently mispend it, we shall become an easy prey to them.

Besides, my Lords, what is this but *ne moriari mori*, and for fear of being conquered by a foreigner, put ourselves in a condition almost as bad; pardon me, my Lords, if I say in some respect a great deal worse; for when we are under the power of the victor, we know we can fall no lower; and the certainties of our miseries are some kind of diminution of them: But in this wild way we have no certainty at all, for if you give thus much to day, you may give as much more to-morrow, and never leave giving till we have given all that ever we have away, and the anxiety of mind which arises from this doubtful estate, is an high addition to our afflictions.

All that I beg, my Lords, is, that we may be able to make some estimate of our selves; would his Majesty be pleased to have a quarter of our estates, for my part he shall have it; would his Majesty be pleased to have half, for my part, upon a good occasion he shall have it: But I beseech your Lordships then that we may have some assurance of the quiet enjoyment of the remainder, and know what we have to trust to.

My Lords, the Commons have here sent us up a bill for giving his Majesty the twentieth part of our estates at the full extended value: and I hear there are other bills for money also preparing; which together, according to the best computation, will amount to little less than three millions of money; a prodigious sum, and such, that if your Lordships shall not afford relief, we must of necessity sink under the weight of so heavy a pressure.

My Lords, the Scriptures tell us, that *God Almighty sets bounds unto the Ocean*, and says unto it, *hither shall thy proud Waves come and no farther*. And so I hope your Lordships, in imitation of the Divinity, will

will set some bounds, some limits, to this over-liberal humour of the Commons, and say to them, *hither shall your profuseness come and no farther.*

My Lords, either your Lordships can deny, or moderate a bill for money coming from the Commons, or if you cannot, all your great estates are wholly at their disposal, and your Lordships have nothing that you can properly call your own, and then let us pass this bill without farther examination; but if you can deny or moderate (as without question you can) your Lordships never had, nor possibly will have such a fair occasion to shew it.

My Lords, upon the whole matter I must humbly propose to your Lordships, that your Lordships will be pleased to reduce the twelve pence in the pound to eight-pence: And truly, my Lords, I have some reason to hope that if your Lordships will duly reflect upon it, ye will find it do accordingly; for in the first place, it will be so far from being a disservice to his Majesty, that your Lordships will do his Majesty in it the highest service in the World; for although ye shall thereby take from his Majesty a part of the sum, you will give him a great deal more in the *Love and Hearts of his Subjects*; and there his Majesty must reign if he will be *Great and Glorious.*

And next your Lordships will acquire to yourselves eternal honour; ye shall thereby endear yourselves to the whole nation, who for the future will look upon you as the ancients did upon their *Tutelar Gods*; nor shall the *House of Commons* but the *House of Peers*, be hereafter precious in their sight.

My Lords, give me leave to mind your Lordships, that *noble Acts* are the steps whereby the great men of the world ascend to the throne of glory; and can there be a nobler act than to *release a distress'd kingdom*, which lies languishing under so many hard oppressions, and about to be so much more oppressed?

I de-

I detain your Lordships too long, and therefore shall say no more, but must beg your Lordships pardon and submit all to your better judgments.

This speech was printed shortly after, and was so distasteful to the present ministry, that it was ordered to be burnt by the hands of the common hangman. However, it had such an effect upon the house of Lords, that they immediately began to examine this subsidy bill with more than usual strictness. And conceiving that the *Distresses* allowed and appointed in that bill, such as the breaking open of their doors, were not agreeable to the ancient privileges of Peers, they made some amendments by way of *Proviso* to the bill, in order to assert their particular privilege. The Commons refused their amendments at this time, not because it was a money bill, but for these following reasons; which they delivered to their Lordships at a conference:

Conference
between the
two Houses,
about the
Money Bills.

First, the privilege demanded was against the King, and against the execution for his supply; which ought not to be clogg'd with any unnecessary circumstances; it being itself a *Non omittas propter aliquam libertatem*. Secondly, The privilege demanded is not due to their Lordships in point of *right*, nor can it be insisted upon in point of *honour*: 1. Because there is as much reverence paid to their Lordships privileges in this bill, as ever was paid in a Bill of supply; there being a proviso, *That the Taxes to be collected for the personal estates and offices of the Peers, shall be collected by a collector of their own*. 2. The amendments agreed to: *That nothing therein contained shall be drawn into example to the Privilege of the ancient Rights belonging to the Peers*: So no danger of any ancient right. 3. Their Lordships are the best judges of their own honour; but in the bill for the *Royal Aid*, there is the

‘ the same clause as in this bill, yet their Lordships
‘ did not then think fit to add such a qualification
‘ to that clause. 4. It is true the Commissioners
‘ were named in that act: But that can make no
‘ difference in the case, unless their Lordships be
‘ afraid where the nomination is trusted to the King.
‘ 5. It would be a dishonour to your Lordships to
‘ have this clause stand in the bill. For it doth not
‘ concern the tax upon personal estates or offices,
‘ but supposes a Lord taxed for his land, and not
‘ a hoof left upon the land to distrain; and that
‘ after all this, a Lord barricados up his house to
‘ resist a distress: Is it fit to suppose such a case,
‘ or should it be treated with ceremony when it
‘ happens? 6. If the Lord be returned into the
‘ *exchequer*, the meanest Bailiff of the Sheriff may
‘ break open the house of a Peer without more cere-
‘ mony; why should a Commissioner be appointed
‘ in this case, unless all exchequer process be intend-
‘ ed to be debarred by this clause too? 7. *No distress*
‘ *can be upon a Peer, without a warrant under the*
‘ *hands of two Commissioners*; which is caution e-
‘ nough. 8. The Lords have no privilege above the
‘ Commons, as to *execution* against their estates: And
‘ therefore we hope this occasion shall not be taken to
‘ create precedents, for new privileges in payment of
‘ money. 9. It would discourage persons from be-
‘ ing Commissioners, if they must be officers to attend
‘ the distress, and no man will be willing to serve.
‘ 10. The *Act of printing*, leaveth the Lords and
‘ Commons equal, as to the privileges of houses; and
‘ no bill of money did ever distinguish them. 11.
‘ The whole duty may be avoided, for in truth there
‘ lies no obligation upon any Commissioner to go
‘ with any officer, and so the matter may be wholly
‘ neglected. 12. If a distress be wrongful, why
‘ should a Lord have a better man to bring his acti-
‘ on against, than a Commoner; and who will ever go
‘ to subject himself to the action of a Peer, if he be
‘ displeased with the distress?’

However

However convincing these reasons were, their Lordships acquiesced; so that the bill was pass'd on the sixth of *March*.

Another money-bill still remained to be passed, viz. for an additional imposition on several foreign commodities. This met with such unexpected impediments in the Lords house, as not only caused the bill to be lost, but occasioned one of the most remarkable controversies that happened throughout the whole Parliament. After this bill had been finished by the Commons, and sent up to the Lords for their consent, the *London* Merchants presented a petition to the Lords, against many particulars in that bill, ' Shewing the inequality and disproportion of the rates imposed upon certain commodities to be such, as if not altered, and some which were too high, brought down to hold a true proportion with others, which the house of Commons had set low, would utterly ruin the whole trade of those commodities, and bring an irreparable prejudice on all the *English* plantations, and consequently upon the whole kingdom: That of those commodities being the principal trade of the plantations, and that of the plantations, a most considerable part of the trade of the kingdom.' The Lords convinced with the arguments and demonstrations of the merchants, judged it absolutely necessary to make some alterations in the bill, and to lower some of those rates, and returned the bill so altered and amended to the Commons; withal giving their reasons for those amendments and alterations, which was done at a conference between both houses.

Second conference between both houses,
April 19.
1671.

This conference was desired by their Lordships, upon the subject matter of their last conference, concerning the *bill for impositions on merchandice*, &c. wherein the Commons communicated it to the Lords as their resolution, that there is a *fundamental right in that house alone in bills of rates and impositions on merchandice*,

chandice, as to the matter, the measure, and the time.

And tho' their Lordships have neither reason nor precedent offered by the Commons, to back that resolution, but were told, that this was a right so fundamentally settled in the Commons, that they could not give reasons for it; for that would be a weakening of the Commons right and privilege; yet the Lords in parliament, upon full consideration thereof and of that whole conference, are come to this resolution, *Nemine contradicente*,

That the power exercised in the house of Peers, in making the amendments and abatements in the bill intituled: An act for additional imposition on several foreign commodities, and for encouragement of several commodities and manufactures of this kingdom, both as to matter, measure, and time, concerning the rates and impositions on merchandice, is a fundamental, inherent and undoubted right of the house of Peers, from which they cannot depart.

Reasons.

I. The great happiness of the government of this kingdom, is, that nothing can be done in order to the legislature, but what is considered by both houses, before the King's sanction be given unto it; and the greatest security to all the subjects of this kingdom, is, that the houses, by their constitution, do not only give assistance, but are mutual checks to each other.

II. Consult the *Writs of Summons* to parliament, and you will find, that the Lords are not excluded from the great and arduous affairs of the kingdom; and the *Commons of England* are but called to treat and give their counsel upon them all, without exception.

III. We find no footsteps in record or history, for this new claim of the *house of Commons*; we would see that charter or contract produced, by which the Lords divested themselves of this right,
and

and appropriated it to the Commons, with an exclusion of themselves: till then we cannot consent to shake or remove foundations, in laying whereof it will not be denied, that the Lords and Grandees of the kingdom had the greatest hand.

IV. If this right should be denied, the *Lords* have not a negative voice allowed them in bills of this nature; for if the Lords, who have the power of treating, advising, giving counsel, and applying remedies, cannot mend, abate, or refuse a bill in part, by what consequence of reason can they enjoy a liberty to reject the whole? When the *Commons* shall think fit to question it, they may pretend the same grounds for it.

V. In any case of judicature, which is undoubtedly, and indisputably, the peculiar right and privilege of the *house of Lords*, if their Lordships send down a bill to the *Commons*, for giving judgment in a legislative way, they allow and acknowledge the same right in the Commons to amend, change and alter such Bills, as the Lords have exercised in this bill of *impositions*, sent up by the *Commons*.

VI. By this new maxim of the *house of Commons* a hard and ignoble choice is left to the *Lords* either to refuse the Crown supplies, when they are most necessary, or to consent to ways and proportions of aid, which neither their own judgment, or interest, nor the good of the government and people, can admit.

VII. If a positive assertion can introduce a right, what security have the *Lords*, that the *House of Commons* shall not in other bills (pretended to be for the general good of the *Commons*, whereof they will conceive themselves to be the fittest judges,) claim the same peculiar privilege, in exclusion of any deliberation, or alteration of the *Lords*, when they shall judge it necessary or expedient?

VIII. And whereas you say, this is the only poor thing which you can value yourselves upon to the *King*; Their Lordships have commanded us to tell you, that they desire rather to increase, than any way diminish the value and esteem of the *House of Commons*, not only with his Majesty but with the whole kingdom; but they cannot give way that it should be raised by the undervaluing the *House of Peers*, and an endeavour to render that House unuseful to the King and Kingdom, by denying unto it those just Powers which the constitution of this government, and the laws of the land, have lodged in it for the service and benefit of both.

IX. You did at the *Conference* tell us, That we did agree to a book of rates, without so much as seeing it, and that never a *book of rates* was read in the *Lord's House*, and that the said book of rates was signed by Mr. *Harbottle Grimston*, then Speaker of the *House of Commons*, and not sent up, lest the *Lords* Speaker might sign it too.

As for the *book of rates*, instanced in by the *House of Commons*, it was made in a way different from all former books of rates, and by an assembly called without the *King's Writ*; and which wanted so much the authority of Parliament, that the Act they made was no Act, till confirmed by this Parliament; tho' the work which happily succeeded in their hands, for restoration of the ancient government of this kingdom, will ever be mentioned to their honour; yet no measure for parliamentary proceedings is to be taken from this one instance, to the prejudice of the right of the Crown in making *books of rates*, and of the *Lords*, in having their due consideration thereof, when they shall be enacted in Parliament, which was so far from being according to former usage, that the Lords considering the necessity and condition of that time, and there being no complaint, passed that bill upon three readings in one day, without so much as a committee, little imagin-

ing

ing the forwardness of their zeal to the King's service in such times, would have created an argument in the future against their power; and if the *Lords* did never read books of rates in their house. it is as true that the *House of Commons* do not pretend, nor did shew that ever any was read there but this.

Tho' where a right is so clear, and reasons so irrefragable, it is not to be required of those who are possessed of the right, to give precedents to confirm it, but those who dispute the right ought to shew precedents or judgments to the contrary, not pass it (*sub silentio*) upon the point controverted: Yet the *Lords* have commanded us to offer, and leave with you these following precedents.

1. By Records both ancient and modern, it doth appear, that the *Lords* and *Commons* have consulted together, and confer'd one with another on the subject of a *Supply to the King*, and of the manner how the same may be levied, As, 14 Edw. 3. N. 5. *Après grand trete et pleance entre les grantz et les ditz Chevaliers et autres des Communes Esteans en dit Parl. est accorde et assentu per tous les grantz et Communes, &c.* That they grant to the King the 9th of corn and Wool, 29 Edw. 3. N. 11. 51. Ed. 3. N. 18. certain there named from time to time, to confer with the *Commons*, for their better help in consulting for the raising of money, and this sometimes by the King's command, as 22 Ed. 3. N. 3. Sometimes by motion and appointment of the *Lords*; as 5 Ed. 3. N. 8. and in the case of the great contract for Tenures and Purveyances, 7 Jac. 14. of Febr. 1609. sometimes by the desire of the *Commons*; As 47 Ed. 3. N. and 4 R. 2. N. 10, 11, 12, 13, 14, 15. upon a great sum demanded for the King, the *Commons* come to the *Lords*, and desire a moderation of the Sum, and their consideration how it should be levied; and hereupon was granted by *Lords and Commons* 12 l. of every man, &c. It is observeable that Nov. 13. it was said, the
Lords

sent for the *Commons* several times before them, and proposed to them the manner of levying the money, and afterwards it was given: And again, 6 *Rich. II.* N. 14. And in the case of the great contract before mentioned, 7 *Jac.* 18. *June*, 1610. the *Commons*, at a conference, desire to know what project their Lordships will propound for levying that which shall be given, other than upon land. And afterwards, in another conference, by the *Commons* answer was made to the *Lords* proposal, agreed, That the manner of levying it may be in the most easeful and contentful way that by both houses can be devised. See the whole proceedings of the intended contract, which doth in several remarkable instances shew, that the *house* of *Commons* themselves did allow the *house* of *Peers* their part, in treating and debating on the subject of money to be levied for his Majesty.

2. That in aids and subsidies, the *Lords* have anciently been expressly joined with the *Commons* in the gift, as in the first we can meet with in our statutes; That in the body of *Magna Charta*, cap. 37. *The Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeholders and other our subjects, have given to us the 15th part of all their moveables: which must include merchandise.* This stile the ancient grants of subsidies and the modern ones too do retain (the troublefom time of the war between the houses of *York* and *Lancaster* only excepted;) and even then it was (*the Commons by advice and consent of the Lords give and grant*) till the beginning of King *Charles the First*, by these words, *We your Majesty's loyal subjects in Parliament assembled*, implicitly, or by the words, *We the Lords Spiritual and Temporal, and Commons in Parliament assembled*, expressly, the *Lords* are joined in the grant, as by the perusal of the statutes will appear.

3. That in subsidies of this nature (*viz.*) *customs*, the *Lords* have joined with the *Commons* in the grant

of them; and that at the very beginning of these impositions, as when 40 s. upon every sack of wool (a home native commodity) was granted to *Edw. I.* in the third year of his reign, to him and his heirs: The grant is *Magnates, Prælati & tota Communitas concesserunt*. See Parl. roll 3 *Ed. I. M. 1. N. 1.* And other ancient rolls do also shew, that the *Lords* joined with the *Commons* in gift of monies, as Close roll 3 *Ed. I. M. 12. Endors. 3.* Grant of a 15th and part roll 3 *Ed. I. M. 6.*

4. And more particularly in impositions of this very species, *tonnage and poundage*: The *Lords* were ever, at the first beginning, joined with the *Commons* in the grant, as the Parliament roll, in 47 of *Ed. III. N. 10.* the first establishment of it by act doth declare; where 'tis expressly said, *The Lords and Commons do grant*. And this stile did continue in acts of this nature till the end of *Rich. II.* After which in those troublefom times, the stile was various, till *K. H. the VIIIth's* time, and this stile of acts of *tonnage and poundage* was; *We the Commons, with the advice and consent of the Lords Spiritual and Temporal do give and grant*. This form of gift in *tonnage and poundage*, lasted *Edw. VI. Queen Mary, Queen Elizabeth* and *King James's* time, as the statutes themselves do declare.

5. And to prove most undeniably, that the *Lords* have their share, in the gifts of aids and supplies to the King, see the act of 9 *H. IV.* commonly called the *indemnity of the Lords and Commons*; which provides, that the *Lords* shall commune apart by themselves, and the *Commons* by themselves. The latter end enacts expressly, *That the King shall thank both Lords and Commons*, for subsidies given him.

6. That the *Lords* may make amendments and alterations in bills which grant *tonnage and poundage*, (the very question now between us) appears in an eminent book, case 33 *H. VI. Febr. 17.* which was

was a consultation of all the Judges in *England*, and the Master of the rolls, and the Clerk of the Parliament called in to inform them as to the manner of proceedings of bills in Parliament: where it is said, *That if the Commons grant tonnage and poundage to endure for four years, and the Lords grant it but for two years, it shall not be carried back to the Commons, because it may stand with their grant, but must be so enrolled; and that the Lords have made amendments and alterations in the bills, granting tonnage and poundage, appears by that statute of the first of Edw. VI. and the first of Queen Elizabeth even in the very point now in dispute, such amendments as do lessen the sum of the King, as the 1 of H. VIII.*

The PROVISIO itself was read at the conference.

‘ We have seriously consulted our judgments and
 ‘ reasons to find objections, if it were possible, a-
 ‘ gainst the power of the Lords, and are so far from
 ‘ finding any, that we are fixed in opinion, that the
 ‘ want of it would be destructive to the govern-
 ‘ ment and peace of the kingdom, and the right
 ‘ of the crown, in balancing and regulating of trade,
 ‘ and making and preserving leagues and treaties
 ‘ with foreign Princes and states, and the exercise
 ‘ of it cannot but be for the security of all, and for
 ‘ the ease, benefit, and satisfaction of the subject.

‘ Their Lordships are very far from designing to
 ‘ obstruct this gift, no not for a moment of time,
 ‘ much less for ever, as was hinted to them at the last
 ‘ conference: And therefore they desire the *house*
 ‘ of Commons to lay it to heart and consider, if it
 ‘ should so happen (which they heartily wish it may
 ‘ not) that there should be an obstruction upon oc-
 ‘ casion of this difference at whose door it must
 ‘ lie; theirs, that assume to themselves more than
 ‘ belongs to them, to the prejudice and diminution
 ‘ of the others right; or theirs, that do only exer-

‘ cise that just and lawful power, which by the very
 ‘ nature and constant practice of Parliament is, and
 ‘ for many ages hath been, vested in both houses.

‘ Their Lordships had under consideration and
 ‘ debate the desiring a free conference with your
 ‘ house, upon the reasons of the amendments in
 ‘ difference between the houses; but when they found
 ‘ that you had interwoven your general position with
 ‘ every reason you had offered, as for your particu-
 ‘ lars, it seemed to them that your judgments were
 ‘ prepossessed, and they hold it vain, and below the
 ‘ wisdom of Parliament, to reason or argue against
 ‘ fixed resolutions, and upon terms of impossibility
 ‘ to persuade, and have therefore applied themselves
 ‘ only to that point, which yet remains an impedi-
 ‘ ment in the way of free and Parliamentary debates
 ‘ and conferences, which must necessarily be first
 ‘ removed, that so we may come to a free confe-
 ‘ rence upon the bill itself, and part with a fair cor-
 ‘ respondence between the two houses.

The end of the second conference.

This conference was the 22d of April, 1671.

Third con-
ference.

THE Earl of *Anglesey* begun the report of the
conference: Who said,

*That Mr. Attorney told them, that because the mat-
 ter is of moment, the house of Commons have trusted
 none to give their words but themselves; and therefore
 have ordered it to be in writing, which is as follows.
 viz.*

The Commons have desired this conference, to
 preserve a good correspondence with the house of
 Peers, and to prevent the ill consequences of those
 misunderstandings which may possibly interrupt the
 happy conclusion of this session, and of all future
 Parliaments too, if they be not very speedily re-
 moved: Wherein the Commons are not without
 hopes of giving your Lordships full satisfaction in
 the

the point in question, and that without shaking any foundations; unless it be such as no man should lay, much less build upon, the foundation of a perpetual dissent between the two houses; three things did surprize the Commons at a former conference, concerning *the bill for an additional imposition on several foreign commodities.*

1. That where they expected a discourse upon some amendments to that bill, they met with nothing but a debate of the liberties of their house, in the matter, measure and time of rates upon merchandise, with a kind of demand that those liberties might be delivered up to your Lordships, by our public acknowledgments, before there should be any farther discourse upon that bill.

2. That your Lordships should declare so fixed and settled a resolution in this point, before you had so much as heard what could be replied in defence of the *Commons.*

3. And lastly, That your Lordships should be so easily induced to take this resolution, if there be not other motives for it than those precedents and reasons, which your Lordships have been pleased to impart to us.

The *Commons* confess, that the best rule for deciding of questions of right between both houses, is the law and usage of parliaments; and the best evidence of that usage and custom of parliaments, are the most frequent and authentic precedents; therefore the *Commons* will first examine the precedents your Lordships seem to rely upon, then they will produce those by which their right is asserted; and in the last place, they will consider the reasons upon which your Lordships ground yourselves.

By the nature of precedents, which your Lordships produce, there is an evident departure from the question, as the former conference left it: There the doubt was narrowed to this single point, *viz.* Whether your Lordships would retrench or abate

any part of the rates which the *Commons* had granted upon merchandise; here the precedents do go to a joint power of imposing and beginning of taxes, which is a point we have not yet heard your Lordships to pretend to, tho' this present difference prepares way for it. Therefore either these prove too much, by proving a power of imposing, or they prove nothing at all, by not proving a power of lessening.

And yet they do not prove a power of imposing neither, for those words, (*the Lords and Commons grant*) must either be understood *reddendo singula singulis*; that is the *Lords* grant for themselves, and the *Commons* grant for countries, cities and boroughs, whom they represent, or else the word (*Grant*) must be understood only by the *Lords* assent to what the *Commons* grant; because the form of law requires, that both join in one bill, to give it the force of a law.

This answers the statute of *Magna Charta*, cap. 37. and those few instances where it is said, *the Lords and Commons grant*, viz. 47 *Ed. III.* N. 10. 4 *R. II.* N. 10, 11, 12, 13, 14. 6 *R. II.* N. 14. But what answer can be given to those ancient and modern precedents and acts where the grant moves, and is acknowledged to come from the *Commons* alone, of which a multitude shall be herein after mentioned? The case of the 14th of *Ed. III.* N. 5. *Après Grand trete et pleançe Entre lez Grantz et Chevaliers et Communs fuit assentu*, &c. is no grant of the ninth sheaf, as your Lordships cited it to be, but an agreement, that the *nones*, granted in a former parliament, should now be sold, because the money came not in fast enough. The 22d of *Ed. III.* N. 5. which your Lordships cited to prove that the King did sometimes command the *Lords* to consult with the *Commons* about raising of money, proves little of that; but it proves expressly, that the *Commons* granted three fifteenths; and as the grant runs wholly in their names, so the record is full of many reasons why they would grant

no more, and upon what conditions they granted so much; tho' they seem to make a shew in your Lordships part, yet they prove two things of great importance to the Commons.

1. That all aids must begin with the Commons, else the Lords needed not to have conferred about the aids, but might have sent down the bill.

2. That when they are begun, the Lords can neither add nor diminish, else it was in vain to adjust the matter by private conference before hand, if the Lords could have reformed it afterwards, which shews what little service the records of 29 *Ed. III.* N. 11. 51 *Ed. III.* N. 18. can do your Lordships in the present question. From the time of *Richard* the II. your Lordships came to the seventh of *Jac.* to tell us of the treaties between the Lords and Commons, touching the contract for *Tenures in Capite*, wherein the Lords being to be purchasers, it was less subject to objection, to confer both of the method, and manner how the price agreed might be paid, for the satisfaction of the King: But this matter hath so little affinity with the present question of lessening rates upon merchandise given by the Commons, that nothing but a scarcity of precedents could ever have persuaded your Lordships to make use of this instance.

As for the precedent of 3 *Ed. I.* cited by your Lordships, the Commons have most reason to reply upon that case. Your Lordships say, that in the beginning impositions, when 40 s. upon a sack of wool was granted to *Ed. I.* and his heirs, the Lords joined in the grant; for the words are, *magnates, praelati, & tota communitas concesserunt*, wherein are these mistakes.

1. That the record was not a grant of 40 s. upon a sack of wool, as your Lordships suppose, but a reducing of 40 s. upon a sack, which *Edw. I.* took before *Magna Charta* was confirmed, to half a Mark, viz. 6 s. 8 d. per sack; and it was at the

prayer of the Commons, as some books say, and cite for it, 3 *Ed. I. M.* 24.

2. The record which your Lordships cite, is twice printed, once in the second part of the *Institutes*, page 531. And again in the fourth part of the *Institutes*, page 29. And by both those places, it is evident, that the *concefferunt* is only to be applied to the *tota Communitas*, and not to the *Magnates*, for this was a grant only of the Commons, and not a grant of the Lords: And to demonstrate this beyond all possibility of scruple, the printed books do refer to statute the 25th *Ed. I.* cap. 7. called *confirmationes Charter*; wherein it is expressly declared by act of parliament; for by the last statute it appears, that the *male tote* of 40 s. was again demanded by *Edw. I.* and was therefore now abrogated, saving to the King and his heirs the demy mark upon a sack of wool, granted by the commonality, which is the very same grant of the 3d *Ed. I.* cited by your Lordships in the present question: But this is also a convincing evidence, that those words (the Lords and Commons grant) are words of form, and made use of in such cases, where the grant did certainly proceed from the Commons alone: and to clear this precedent, we pray your Lordships to take notice of the statute of the 2d and 3d of *Ed. VI.* cap. 36. where a relief is given to the King by parliament, and in the title of the act (as also in the body of the act) it is called all along, *the grant of the Lords and Commons*, yet in the 3d and 4th of *Ed. VI.* cap. 23. this former act is rejected, and there it is acknowledged to be only a grant of the Commons.

And as for the case of the 9th of *H. IV.* called, *the indemnity of the Lords and Commons*, these things are evidently proved by it;

1. That it was a grievance to the Commons and a breach of their liberty, for the Lords to demand a committee to confer with them about aids,

2. That

2. That the Lords ought to consider by themselves apart.

3. That no report should be made to the King of what the Commons have granted and the Lords assented to, till the matter be perfected; so that a plain declaration is made, that the Commons grant, and the Lords assent.

4. That the gift ought to be presented by the Speaker of the Commons.

The book case of 33 of *H. VI. Cap. 17*, is the weakest of all, for the words are *C. Si les communs grant*, p. 4. *Ann. Et Sannes*, 4. *ceo sera reliver*.

1. Now, this was no opinion of any judge, but only of *Kirby*, clerk *de Parliament*.

2. This was a case put by the by, and not pertinent to the matter in hand.

3. 'Tis impossible to be law, being against the constant usage, and practice of parliament; for then your Lordships may not only lessen the rates and time, but you may chuse whether you will send us the bill or no back again with amendments, which was never heard of; and if that may be, why was it done so now?

4. That clerk says your Lordships may encrease impositions too, which part of the case you thought not fit to cite, because you pretend not to it.

5. *Brook* parliament, 7. puts a query upon the case as it deserved, but if the law books are to be heard in this case, 30 *H. VIII. Dier. 43.* in *judicial authority*. Where subsidy is defined to be a tax *Affes per Parl. et gre al Roy per les Communs durant VII. de che Roy tauta per le defence de merchants sur le mere*.

The provisos in the bill, 1 *H. VIII.* which your Lordships seem mainly to rely upon, we conceive to be of no force at all, unless it be against your Lordships; for as it appears by your Lordships journals, the case was this: The bill itself did not

pass the 3d H. VIII. and upon the 43d day of the Parliament, the Lords assented to it; afterwards, upon the 45th day, two provisos came in, one touching the merchants of the *Hans Towns*, another touching the merchants of the staple of *Calais*; both were signed by the King and the Lord Chancellor; and the Bishop of *Winton* did declare, that the signing of those provisos by the Kings's own hand was enough, without the consent of either house; so that the additions of those provisos prove nothing for which your Lordships cited them: because,

1. They were signed by the King.
2. They were brought against the course of Parliament, after the bill passed.
3. The provisos were nothing but a saving of former rights, usually considered in former acts of that nature.
4. Your Lordships journals declare, that the King without these provisos might have done the same thing by the prerogative.

Only this may be fit to be observed by the way; that as the bill was a grant of the Commons alone, so the thanks for the bill were given to the Commons alone; and so it appears upon the indorsement of that record.

The precedents for the Commons, which on the sudden we find (for we have had but few hours to search) are all these following, viz.

11 Ed. I. *Walsingham*, 486. *Populus dedit Regi Tricesimam partem bonorum.*

25 Ed. I. *Walsingham*, 486. *Populus dedit denarium Nom.*

7 H. IV. *Walsingham*, 566. *Postquam Milites Parliamentales diu distulissent concedere Regi subsidium, in fine tamen fracti concessere.*

6 H. IV. *Walsingham*, 564. *Subsidium denegatum fuit, proceribus renitentibus.* So hitherto when granted, the Commons give it; when denied, the whole bill is rejected, never abated.

1 Ed.

1 *Ed.* III. Stat. C. 6. The Commons griev'd, that when they granted an aid and paid it, the taxes were reviewed.

18 *Ed.* III. C. 1 stat. at large, *The Commons grant two fifteenths, the great men grant nothing, but go in person with the King.*

36 *Ed.* III. C. 11. The King having regard to the grant made by the Commons, for three years of wool and leather, grants, that no aids be levied but by consent of parliament.

21 *R.* II. N. 75. is the first grant of tonnage and poundage for life, and it was given by the Commons alone.

2 *H.* VI. N. 14. The Commons grant tonnage and poundage for two years.

31 *H.* 6. N. 7, 8, 9, 10. The Commons grant tonnage and poundage for life.

8 *Ed.* IV. N. 30. The Commons grant two tenths and two fifteenths.

12 *Ed.* IV. C. 3. The grant of tonnage and poundage for life is recited to be by the Commons, and most of the rates mentioned in the bill.

The wars of *York* and *Lancaster* are so far from weakening these precedents, that they strengthen them rather; for no man can think the Lords were then in less power, or less careful of their right than your Lordships are now: Wherefore, if in those days those forms were approved by those mighty men, it is a sign the right is clear.

1 *H.* VIII. The Commons by assent of the Lords grant tonnage.

15 *H.* VII. In *Ireland* was the first grant of tonnage and poundage, but it is said, *at the prayer of the Commons it is enacted*; which in a kingdom, where they are not tied to forms, shews the clear right.

We your poor Commons by advice, &c. grant : 1 *Ed.* VI. Cap. 13. 1
And also it avers the right time out of mind to be M. Cap. 8.
in the Commons. This stat. 1 *Eliz.* cap. 19. 1 *Eliz.* cap. 19.
gives 19.

gives us occasion to put your Lordships in mind of another precedent, which appears in your journal; for while this bill was passing the inhabitants of *Cheshire* and *Wales* petitioned the Lords upon the second reading, that for as much they were subject to pay the Queen a certain duty called *Mises*, that therefore they might be excused of the subsidy and abated their part of it.

The Lords who then knew they had no power to diminish any part of the aid granted by the Commons, did therefore address themselves to the Queen in their behalf. The Queen commanded an entry to be made in the journal of the house of Lords, That she was pleased the *Cheshire-men* and *Welsh-men* should be respited the *Mises* when they pay subsidies, and respited the subsidies when they pay *Mises*: Which as it is a strong proof that the Commons alone grant, so no body can diminish their grant, else what need had the Lords to apply themselves to the Queen for it?

17 *Car.* I. tonnage and poundage was granted once for a month, then again for three months, but still the grant was by the Commons in those days, how tumultuous soever, the Commons did not rise against the Lords, they agreed well enough.

In short, all these grants were of the Commons, yet none of these bills were ever varied by your Lordships, or your predecessors, which if there had been such a right, would some time or other have been exercised, tho' in very small values, purposely to preserve that right.

Thus an uninterrupted possession of this privilege ever since the 9th of *H. IV.* confirmed by a multitude of precedents both before and after, not shaken these 300 Years, is now required to be delivered up, or an end to be put to all farther discourse; which opinion if it be adhered to, is, as much as in your Lordships lies, to put an end to all future transactions

transactions between the houses in matters of money, which we pray your lordships to consider.

The reasons offered by the house Commons, are these :

1st. Because there appears not to the Commons any colour from the precedents cited by your Lordships, why your opinion should be so fixed in this point, we suppose the main defence is in the reasons that have been given for it.

That paper begins with an observation, that your Lordships have neither reason nor precedent offered by the Commons to back their resolution, and yet concludes with an answer to a precedent then cited by the house of Commons, *viz.* The act of tonnage and poundage, now in force; and if your Lordships had but one precedent then, you have now a great number beside, of these, 3 *Ed. I.* 1 *Hen. VIII.* 9 *H. IV.* and divers others your Lordships furnished us with.

Before the Commons answer to your Lordships reasons in particular, they desire to say first in general, that it is a very unsafe thing in any settled government, to argue the reasons of the fundamental Constitutions; for that can tend to nothing that is profitable for the whole.

And this will more sensibly appear to your Lordships, if the grounds and foundations of judicature be examined, for there are several precedents in parliament, and some in book cases, which prove, that judicature is not to be exercised by all the Lords, but only by such as the King is pleased to appoint; so is the book case of 22 *Ed. III. N. 3. A. B.* And so in parliament roll, 25 *Ed. III. N. 4.* several other precedents, where the Commons by the King's good pleasure have been let into a share of the very judicature, are 42 *Ed. III. N. 20, 21.* 31 *H. VI. N. 10.* 8 of *Ed. IV. Hugh Price's* case in the rolls of parliament.

N. B. Some Precedents there are, where it was assigned for error in the house of Peers, that the Lords gave judgment without petition, or assent of the Commons; so is 2d H. V. N. 13.

Would your Lordships think it safe, that a dispute should now be made of the very rights of judicature because we have such precedents?

If usage for so long a time hath silenced all disputes touching your Lordships judicature, shall that usage be of no force to preserve the privilege of the Commons from all farther questions?

Also there is a precedent of an act of parliament passed by the King and Commons alone, without the Lords, viz. 1 Ed. VI. 65. and that twice approved, viz. 1 Eliz. cap. 17. and the 5th of Eliz. cap. 19. which both allow and commend this act.

Shall we therefore argue the foundations of the legislature, because we have such precedents? But to come to particulars; your Lordships first reason it from the happiness of the constitution, *That the two houses are mutual checks upon each other.*

Answer. So they are still, for your Lordships have a negative to the whole; but on the other side, it would be a double check on his Majesty's affairs, if the King may not rely upon the *Quantum* when once his people have given it; therefore the privilege now contended for by your Lordships is not of use to the crown, but much the contrary.

2. Your Lordships reasons drawn from the *writ of summons*, is as little concluding; for though the writ does not exclude you from any affairs, yet it is only, *de quibusdam arduis negotiis*, and must be understood of such as by course of parliament are proper, else the Commons upon the like ground may entitle themselves to judicature, for they are also called to treat *de quibusdam arduis*.

3, Your Lordships also proceed to demand, *where that record or contract in parliament is to be found,*

found, where the Lords appropriate this right to the Commons in exclusion of themselves?

Answer. To this rhetorical question the Commons pray they may answer by another question; where is that record or contract, by which the Commons submitted, that judicature should be appropriated to the Lords, in exclusion to themselves? where-ever your Lordships find the last record, they will shew the first endorsed upon the back of the same roll.

Truth is, precedents there are, where both sides do exercise their several rights, but no how either side came by them.

4. If the Lords may deny the whole, why not a part; else the Commons may pretend at last against the Lords negative voice.

Answer. The King must deny the whole of every bill, or pass it; yet this takes not away his negative voice. The Lords and Commons must accept the whole general pardon, or deny it, yet this takes not away their negative.

The clergy have a right to tax themselves, and it is a part of the privilege of their estate; doth the upper convocation house alter what the lower grants? Or do the Lords ever abate any part of their gifts? Yet they have a power to reject the whole. But if abatement should be made, it would insensibly go to a raising, and deprive the clergy of their ancient rights to tax themselves.

5. Your Lordships say, *judicature is undoubtedly ours*, yet in Bills of judicature, we allow the Commons to amend and alter, why should not the Commons allow us the same privilege in bills of money?

Answer. If contracts were now to be made for privileges, the offer might seem fair, but yet the Commons should profit little by it; for your Lordships do now industriously avoid all bills of that nature, and choose to do many things by your own power,

power, which ought to be done by the Legislative; of which we forbear the instances, because your Lordships, we hope, will reform them; and we desire not to create new differences, but to compose the old.

6. Your Lordships say, *you are put to an ignoble choice, either to refuse the King's supplies when they are most necessary, or to consent to such ways or propositions which neither your own judgment nor the good of the government or people can admit.*

Answer. We pray your Lordships to observe, that this reason first makes your Lordships judgments to be the measure of the welfare of the Commons of England.

2dly. It gives you power to raise and encrease taxes, as well as to abate, for it may be sometimes your Lordships Judgments, that it is for the interest of trade to raise and encrease a rate, and then still you are brought to the same ignoble choice, unless you may raise the tax.

But it is a very ignoble choice put upon the King and his People, that either his Majesty must demand, and the Commons give so small an aid as can never be diminished, or else run the hazard of your Lordships examination of the rates, whose proportion in all taxes, in Comparison to what the commonality pay, is very inconsiderable.

7. *If positive assertions can introduce right, the Lords have no security, but the Commons may extend their rights as they judge it necessary or expedient.*

Answer. We hope no assertions or denials though never so positive, shall give or take away right; but we rely upon usage on our side, and non-usage on your Lordships part, as the best evidence, by which your Lordships or we can claim any privilege.

8. Your Lordships profess a desire, *to raise our esteem with his Majesty and the whole kingdom, but not by the undervaluation of the house of Peers.*

Answer.

Answer. We have a great confidence in his Majesty's goodness, that nothing can lessen his esteem of our dutiful affections to him; and we hope we deserve so well of our country, by our deportment towards his Majesty, that we shall not need your Lordships recommendations to any, who wish well to his Majesty, or the present government; but we are so far from wishing to raise an esteem by any diminution of your Lordships honour, or privileges, that there never was any house of Commons, who ever had a more just and true respect for that noble constitution of a house of Peers; of which your Lordships have had frequent instances, by our consenting to several clauses in bills for securing and improving your Lordships privileges.

We are sorry to see your Lordships undervalue the precedent of this last act of tonnage and poundage, because if it were an act of the last convention, 'twas confirmed in this.

And because the right of the Commons there asserted was pursuant to a former precedent in 1642, and possibly had not passed so, if the younger members of that *convention* had not learned from some of those great and noble Lords, who now manage the conference for your Lordships, and were then Commoners, that this was the undoubted right of the Commons.

To conclude, the Commons have examined themselves and their proceedings, and find no cause why your Lordships should put them in mind of that modesty their ancestors shewed, who always paid a great deference to the wisdom of the Lords; for they resolve ever to observe the modesty of their ancestors, and doubt not but your Lordships will also follow the wisdom of yours.

To these the Lords proceeded to make some replies, and particularly as to their having no power to alter the subsidies of the clergy, nor an act for a general pardon: They said, these were things eccen-

tric to Parliaments, and had their motion in another sphere: The convocation gave one, and the King of his free grace bestowed the other; and the Parliament only gave them the force of law, and might chuse whether they would do it or not; and consequently this was no ways to the case in dispute. But to read the Commons money-bill three times in their house, and to commit it, without any power of debating upon it, was a solemn piece of pageantry, beneath the dignity of a Parliament. As to the point of judicature, they alledged, it belonged to the Peers before the very being of a house of Commons, rather as the grand council of the nation, than as part of the Parliament; and being vested in the King, as well as themselves, might possibly exist without the sitting of a Parliament. As to precedents they alledged, we have several for us; but it were enough for our justification, if there be none against us; and there could be but one of these kinds, either that we have of our selves disclaimed such a power, or that it hath been denied them when they have claimed it, and whosoever sheweth one of either, *Erit nobis magnus Apollo*.

But before they could finish their arguments or put any period to this great controversy, his Majesty came to the house of Peers *April 22d.* and pro-rogued them.

The KING's speech to both houses.

My Lords and Gentlemen,

1672-3.

The eleventh session.

The King's speech.

I AM glad to see you here this day; I would have called you together sooner, but that I was willing to ease you and the country, 'till there was an absolute necessity. Since you were last here, I have been forced to a most important, necessary and expensive war; and I make no doubt but you will give me suitable and effectual assistance to go through with it. I refer you to my declaration for the causes
and

and indeed the *necessity* of this war ; and shall now only tell you, that I might have digested the Indignities to my own person, rather than have brought it to this extremity, if the *interest*, as well as the *honour* of the whole kingdom had not been at stake : And if I had omitted this conjuncture, perhaps I had not again ever met with the like advantage. You will find the last supply you gave me, did not answer the expectation for the end you gave it, the payment of my debts. Therefore I must in the next place recommend them again to your special care.

Some few days before I declared the war, I put forth my *declaration for indulgence to dissenters*, and have hitherto found a good effect of it, by securing peace at home, when I had war abroad. There is one part in it that hath been subject to misconstruction, which is that concerning the papists ; as if more liberty were granted to them, than to the other recusants ; when it is plain there is less : for the others have public places of worship allowed them, and I never intended that they should have any, but only have the freedom of their religion in their own houses, without any concourse of others ; and I could not grant them less than this, when I had extended so much more grace to others, most of them having been loyal, and in the service of me, and of the King my father ; and in the whole course of this indulgence, I do not intend that it shall any way prejudice the church, but I will support it in its rights, and in its full power. Having said this, I shall take it very ill to receive contradiction in what I have done. And I will deal plainly with you, *I am resolved to stick to my declaration*. There is one jealousy more that is maliciously spread abroad, and yet so weak and frivolous, that some thought it not of moment enough to mention ; but it may have gotten some Ground with some well-minded people, and that is, *That the forces I have raised in this war, were designed to control law and property :*

I wish I had had more forces last summer; the want of them then convinces me I must raise more again the next spring; and I do not doubt but you will consider the charge of them in your supplies. I will conclude with this assurance to you, *That I will preserve the true reformed Protestant religion, and the church as it is now established in this kingdom; and that no man's property or liberty shall ever be invaded.* I leave the rest to the Lord Chancellor.

Lord Chancellor Shaftsbury's Speech, 1672-3.

Whereupon his Lordship delivered a speech, so remarkable and memorable, that not a word of it ought to be omitted, and is as follows.

My Lords, and you Knights, Citizens, and Burgeses of the House of Commons.

Lord Chan-
cellor
Shaftsbury's
Speech a-
gainst the
Dutch.

THE King hath spoken so fully, so excellently well, and so like himself, that you are not to expect much from me. There is not a word in his speech that hath not its full weight; and, I dare with assurance say, will have its effect with you. His Majesty had called you sooner, and his affairs required it, but that he was resolved to give you all the ease, and vacancy to your own private concerns; and the people as much respite from payments and taxes, as the necessity of his business or their preservation would permit. And yet (which I cannot but here mention to you) by the crafty insinuations of some ill affected persons, there have been spread strange and desperate rumours, which your meeting together this day hath sufficiently proved both malicious, and false. His Majesty hath told you, that he is now engaged in an important, very expensive, and indeed a war absolutely necessary, and unavoidable. He hath referred you to his declaration, where you will find the personal indignities, by pictures, and medals, and other public affronts, his

his Majesty hath received from the *States*, their breach of treaties both in the *Surinam* and the *East-India* business: And at last they came to that height of insolence, as to deny the honour and right of the flag, tho' an undoubted jewel of this crown never to be parted with, and by them particularly owned in the late treaty of *Breda*, and never contested in any age. And whilst the King long expected, and then solemnly demanded satisfaction, they disputed his title to it in all the Courts of *Christendom*, and made great offers to the *French* King, if he would stand by them against us. But the most Christian King too well remember'd what they did at *Munster*, contrary to so many treaties, and solemn engagements; and how dangerous a neighbour they were to all crowned heads. The King and his Ministers had here a hard time, and lay every day under new obloquies. Sometimes they were represented as selling all to *France* for money, to make this war: *Portsmouth*, *Plymouth*, and *Hull*, were to be given into the *French* hands for caution. The next day's news came, that *France* and *Holland* were agreed. Then the obloquy was turn'd from treachery to folly: The Ministers were now fools, that some days before were Villains. And indeed the Coffee-Houses were not to be blamed for their last apprehensions; since if that conjunction had taken effect, then *England* had been in a far worse case than now it is, and the war had been turned upon us. But both Kings knowing their interest, resolved to join against them, who were the common enemies to all monarchies, and I may say especially to ours, their only competitor for trade and power at sea; and who only stand in their way to an universal empire, as great as *Rome*. This the *States* understood so well, and had swallowed so deep, that under all their present distress and danger, they are so intoxicated with that vast ambition, that they slight a treaty, and refuse a cessation. All this you and the whole nation saw

before the last war; but it could not then be so well timed, or our alliances so well made. But you judged aright, that at any rate, *delenda est Carthago*, that government was to be brought down. And therefore the King may well say to you, it is your war. He took his measures from you, and they were just and right ones: And he expects a suitable assistance, to so necessary, and expensive an action; which he has hitherto maintained at his own charge, and was unwilling either to trouble you, or burden the country, until it came to an inevitable necessity. And his Majesty commands me to tell you, that unless it be a certain sum, and speedily raised, it can never answer the occasion.

My Lords and Gentlemen,

Reputation is the great support of war or peace. This war had never begun, nor had the *States* ever slighted the King, or ever refused him satisfaction, neither had this war continued to this day, or subsisted now, but that the *States* were deceived in their measures, and apprehended his Majesty, in that great want of money, that he must sit down under any affronts, and was not able to begin, or carry on a war. Nay at this day the *States* support themselves amongst their people, by this only falsehood, that they are assured of the temper of *England*, and of the parliament, and that you will not supply the King in this war; and that if they can hold out till your meeting, they will have new life, and take new measures. There are lately taken two of their principal agents, with their credentials and instructions to this purpose, who are now in the tower, and shall be proceeded against according to the law of nations. But the King is sufficiently assured of his people; knows you better; and can never doubt his Parliament. This had not been mentioned, but to shew you of what importance the frankness and seasonableness of this supply is, as well as the fulness
of

of it. Let me say, the King has brought the *States* to that condition, that your hearty conjunction, at this time, in supplying his Majesty, will make them never more formidable to Kings, or dangerous to *England*: And if after this you suffer them to get up, let this be remembered, the *States of Holland* are *England's* eternal enemy both by interest and inclination.

In the next place, to the supply for the carrying on of the war, his Majesty recommends to you the taking care of his debts; what you gave the last session, did not near answer your own expectation. Besides, another considerable aid you designed his Majesty, was unfortunately lost in the birth; so that the King was forced, for the carrying on of his affairs, much against his will, to put a stop to the payments out of the exchequer. He saw the pressures upon himself, and growing inconveniences to his people by great interest; and the difference through all his business between ready money, and orders. This gave the King the necessity of that proceeding; to make use of his own revenue, which hath been of so great effect in this war. But though he hath put a stop to the trade and gain of bankers, yet he would be unwilling to ruin them, and oppress so many families, as are concerned in those debts; besides, it were too disproportionable a burden upon many of his good subjects. But neither the bankers, nor they, have reason to complain if you now take them into your care, and they have paid them, what was due to them, when the stop was made with six *per cent.* interest from that time. The King is very much concerned both in honour and interest to see this done. And yet he desires you not to mis-time it; but that it may have only the second place, and that you will first settle what you intend about the supply.

His Majesty has so fully vindicated his declaration from that calumny concerning the Papists, that no

reasonable scruple can be made by any good man. He has sufficiently justified it by the time it was published in, and the effects he hath from it; and might have done it more from the agreeableness of it to his own natural disposition, which no good *Englishman* can wish other than it is. He loves not blood, or rigorous severities; but where mild, or gentle ways may be used by a wise Prince, he is certain to choose them. The church of *England* and all good Protestants have reason to rejoice in such a head, and such a defender. His Majesty doth declare his care and concerns for the church, and will maintain them in all their rights and privileges, equal, if not beyond any of his predecessors; he was born and bred up in it; it was that his Father died for: We all know how great temptations and offers he resisted abroad, when he was in his lowest condition; and he thinks it the honour of his reign, that he hath been the restorer of the church: 'Tis that he will ever maintain, and hopes to leave to posterity, in greater lustre, and upon surer grounds, than your ancestors ever saw it. But his Majesty is not convinced that violent ways are the interest of religion or the church.

There is one thing more, that I am commanded to speak to you of, which is the jealousy, that hath been foolishly spread abroad, of the forces the King hath raised in this war. Wherein the King hath opened himself freely to you, and confessed the fault on the other hand. For if this last *Summer* had not proved a miracle of storms and tempests, such as secured their *East-India* fleet, and protected their sea-coast from a descent, nothing but the true reason (want of money) could have justified the defect in the number of our forces. 'Tis that his Majesty is providing for against the next spring, having given out orders for the raising of seven or eight regiments more of foot, under the command of persons of the greatest fortunes and quality. And I am earnestly
to

to recommend to you, that in your supplies, you will take into your consideration this necessary addition of charges.

And after his Majesty's conclusion of his speech, let me conclude, nay, let us all conclude with blessing God, and the King. Let us bless God, that he hath given us such a King, to be the repairer of our breaches, both in church and state; and the *restorer of our paths to dwell in*: That in the midst of war and misery, which rages in our neighbour countries, *our Garners are full, and there is no complaining in our streets*; and a man can hardly know that there is a war. Let us bless God, that hath given this King signally the hearts of his people, and most particularly of this Parliament, who in their affection and loyalty to their Prince have exceeded all their predecessors; a Parliament with whom the King hath for many years lived with all the caresses of a happy marriage. Has the King had a concern? you have wedded it. Has his Majesty wanted supplies? you have readily, chearfully, and fully provided for them. You have relied upon the wisdom and conduct of his Majesty in all his affairs; so that you have never attempted to exceed your bounds, or to impose upon him. Whilst the King on the other hand, hath made your counsels the foundations of all his proceedings; and hath been so tender of you, that he hath upon his own revenue and credit, endeavoured to support even foreign wars, that he might be least uneasy to you, or burthenfom to his people. And let me say, that though this marriage be according to *Moses's* law, where the husband can give a bill of divorce, put her away, and take another; yet I can assure you, it is as impossible for the King to part with this Parliament, as it is for you to depart from that loyalty, affection, and dutiful behaviour, you have hitherto shewed towards him.

Let us bless the King for taking away all our fears, and leaving no room for jealousies: For those assurances and promises he hath made us. Let us bless God and the King, that our religion is safe: That the Church of *England* is the care of our Prince; that Parliaments are safe, that our properties and liberties are safe: What more hath a good *Englishman* to ask, but that his King may long reign, and that this triple-alliance of King, Parliament, and People may never be dissolved?

The Commons Address against the Declaration of Indulgence.

Most gracious Sovereign,

The Commons Address against the declaration of Indulgence.

WE your Majesty's most faithful and loyal subjects, the Commons assembled in Parliament, do in the first place, as in all duty bound, return your Majesty our most humble and hearty thanks, for the many gracious promises and assurances, which your Majesty hath several times (during this present Parliament) given unto us, *That your Majesty wou'd secure and maintain unto us the true reformed Protestant religion, our liberties and properties:* Which most gracious assurances your Majesty hath, out of your great goodness, been pleased to renew unto us, more particularly at the opening of this present session of Parliament. And farther we crave leave humbly to represent, that we have, with all duty and expedition, taken into our consideration several parts of your Majesty's last speech to us, and withal the declaration therein mentioned for indulgence to Dissenters, dated the 15th day of *March* last: And we find ourselves bound in duty to inform your Majesty, *That penal statutes in matters ecclesiastical, cannot be suspended but by act of Parliament.* We therefore, the Knights, Citizens, and Burgessees of your Majesty's house of Commons, do most humbly beseech your Majesty, that the laws may

may have their free course, until it shall be otherwise provided for by act of Parliament: And that your Majesty would be graciously pleased to give such directions herein, *That no apprehensions or jealousies may remain in the hearts of your Majesty's good and faithful subjects.*

This address was delivered to the King on the 19th of February; to which his Majesty answered, *That it was of importance, and therefore he would return his answer in writing.* Accordingly four days after, he sent this answer to the house.

Charles Rex,

His Majesty hath received an address from you, and hath seriously considered of it, and returneth you this answer: That he is very much troubled that that declaration, which he put out for ends so necessary to the quiet of this kingdom, especially in that conjuncture, should prove the cause of disquiet, and give occasion to the questioning of his power in ecclesiastics, which he finds not done in the reigns of any of his ancestors. He is sure he never had thoughts of using it otherwise, than as it hath been intrusted to him, to the peace and establishment of the church of *England*, and the ease of all his subjects in general: Neither doth he pretend to suspend any laws, wherein the properties, rights, or liberties of any of his subjects are concerned, nor to alter any thing in the established doctrine or discipline of the church of *England*: But his only design in this, was to take off the penalties which the statutes inflict upon the Dissenters; and which he believed, when well considered of, you your selves would wish not executed according to the rigour and letter of the law: Neither hath he done this with any thought of avoiding or precluding the advice of the Parliament; and if any bill shall be offered him, which shall appear more proper to attain the aforesaid ends, and secure the peace of the church
and

The King's
answer.

and kingdom; when tendered in due manner to him, *he will shew how readily he will concur in all ways that shall appear for the good of the kingdom.*

The Commons immediately came to this short resolution, that the thanks of this house be return'd to his Majesty, for his gracious assurances and promises in his answer to the address: But being still unsatisfied, they three days after agreed upon this following answer, or second address.

Most Gracious Sovereign,

The Com-
mons second
Address.

We your Majesty's humble and loyal subjects, the Knights, Citizens, and Burgeses in Parliament assembled, do render to your sacred Majesty our most dutiful thanks, for that, to our unspeakable comfort, your Majesty hath been pleased to reiterate to us those gracious promises and assurances of *maintaining the religion now established, and the liberties and properties of your people*: And we do not in the least measure doubt but that your Majesty had the same gracious intentions in giving satisfaction to your subjects, by your answer to our last petition and address: Yet, upon a serious consideration thereof, we find, that the said answer is not sufficient to clear the apprehensions, that may justly remain in the minds of the people, by your Majesty's having claim'd *a power to suspend penal statutes in matters ecclesiastical*; and which your Majesty does still seem to assert in the said answer, *to be entituled in the crown, and never questioned in any of the reigns of your ancestors*; wherein we humbly conceive, that your Majesty hath been much misinformed; since no such power was ever claimed, or exercised by any of your Majesty's predecessors; and if it should be admitted, might tend to the interrupting the free course of the laws, and altering the legislative power, which hath always been acknowledged *to reside in your Majesty, and your two houses of Parliament.* We do therefore, with an unanimous consent,

consent, become again most humble suitors to your sacred Majesty, that you would be pleased to give to us a full and satisfactory answer, to our said petition and address; and that your Majesty would take such effectual order; *That the proceedings in this matter may not, for the future, be drawn into consequence, or example.* The King's answer to this address was, 'it is of consequence, and I will take it into consideration.'

In the midst of the warm debates concerning the King's declaration for indulgence, it is observable that no man was more zealous in opposing it than alderman *Love*, a city member, and a noted dissenter, who declared, *he had much rather still go without their desired liberty, than have it in a way that would prove so detrimental to the Nation*: These debates gradually introduced a new act, since called *the test act*, then levelled at the papists; upon which we are told, that the Lord *Clifford* got some in the house to move in favour of the dissenters, hoping that would have provoked one side or the other; and that either the church party might be offended with the motion, or the dissenters with refusing it: But it was stopped by the forementioned alderman, who desired, tho' his persuasion was well known, *that nothing with relation to them might intervene, to stop the security that the Nation and the protestant religion might have by that new act*; in which he was seconded by the most of his party: Their behaviour in these matters, it seems, wrought so much upon the house that had been so zealous against them, that they ordered a bill to be brought in *for the ease of his Majesty's subjects, dissenters in matters of religion from the Church of England*; which was first read on the 27th of February, and not long after completed in the house of Commons. It did not get through the house of *Lords*, but was not stopped there, as is generally represented; but only accidentally protracted upon the account of some amendments

ments, till the King caus'd the parliament to break up before the amendments could be agreed to by the Commons, as appears by the journals. However the substance of the bill is proper to be remembered especially since we do not find it in print.

Bill for the
ease of Dis-
senters.

1. That ease shall be given to his Majesty's protestant subjects, dissenters in matters of religion, who shall subscribe the articles of the doctrine of the church of *England*; and shall take the oaths of *allegiance* and *supremacy*. 2. That the said protestant subjects be eas'd from all pains and penalties for not coming to church. 3. That the clause in the late *act of uniformity*, for declaring the *assent* and *consent*, be taken away by this bill. 4. That the said protestant subjects be eased from all pains and penalties for meeting together for performance of any religious exercise. 5. That every teacher shall first give notice of the place where he intends such his meeting, to the respective quarter sessions; where in open court he shall first make such subscription, and take such oaths as aforesaid, and receive from thence a certificate thereof, where all such proceedings shall remain upon record. 6. That any such teacher may exercise as aforesaid until the next respective quarter sessions, and no longer, in case he shall not first take the oaths, and make such subscription before two of the neighbouring justices of the peace; and shall first give them notice of the place of his intended meeting, and take certificate thereof under the said justices hand, a duplicate whereof they are to return in to the next quarter sessions. 7. That the doors and passages of all houses and places, where the said dissenters do meet, shall be always open and free, during the time of such exercise. 8. That if any dissenter refuse to take the church-wardens oaths, that then he shall find them another fit person, who is no dissenter, to execute that office and shall pay him for his pains.

Shortly after the bill was brought in for the ease of the Protestant dissenters, both houses being ap-

prehensive of the late encouragement of popish persons and principles, unanimously joined in the following remarkable address to his Majesty.

We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons in this present Parliament assembled, being very sensible of the great dangers and mischiefs that may arise within this your Majesty's realm, by the increase of popish recusants amongst us: and considering the great resort of priests and jesuits in this kingdom, who daily endeavour to seduce your Majesty's good subjects from their religion and allegiance; and how much your loyal subjects are disheartened, to see such popish recusants admitted into employments of great *trust* and *profit*, and especially in *military commands*, over the forces now in your Majesty's service; and having a tender regard to the preservation of your Majesty's person, and the peace and tranquillity of this kingdom, in all humility desire,

1. That your Majesty would be pleased to issue out your royal proclamation to command all priests and jesuits other than such as (not being natural born subjects), are obliged to attend upon your royal consort the Queen to depart within thirty days out of this your Majesty's kingdom: And if any priest or jesuit shall happen to be taken in *England*, after the expiration of the said time, that the laws be put in execution against them; and that your Majesty would please in said proclamation to command all judges, and other officers, to put the said laws in execution.

2. That your Majesty would likewise be pleased, that the Lord Chancellor of *England* shall, on or before the 25th of *March* instant, issue out commissions of *dedimus potestatem*, to the judge advocate and commissaries of the musters, and such other persons as he shall think fit, to tender the oaths of *allegiance* and *supremacy* to all officers and soldiers, now in your Majesty's service and pay; and that such as refuse the said oaths may immediately

An address
of both
Houses a-
gainst Papists
and Jesuits.

ately be disbanded, and not allowed to be continued in any pay or pension; and that the Chancellor shall require due returns to be made thereof, within some convenient time after the issuing out of said commissions. 3. That the commissaries of the musters be commanded and enjoined by your Majesty's warrant, upon the penalty of losing their places, not to permit any officer to be mustered in the service and pay of your Majesty, until he hath taken the oaths of *allegiance* and *supremacy*, and received the sacrament of the Lords-supper, according to the usage of the church of *England*; and every soldier shall take the said oaths before his first muster, and receive the sacrament in like manner before his second muster. And this we present in all dutifulness to your Majesty's princely wisdom and consideration, *as the best means for satisfying and composing the minds of your loyal subjects*; humbly desiring your Majesty graciously to accept of this our petition, as proceeding from hearts and affections entirely devoted to your Majesty's service, and to give your royal approbation.

On the 8th day of *March* his Majesty went to the house of Lords, and sending for the Commons, he made this following speech to both houses.

My Lords and Gentlemen,

Yesterday you presented me with an address, *as the best means for satisfying and composing the minds of my subjects*; to which I freely and readily agree, and shall take care to see it perform'd accordingly. I hope on the other side, *you Gentlemen of the House of Commons*, will do your part; for I must put you in mind, it is near five weeks since I demanded a supply, and what you voted unanimously upon it did both give life to my affairs at home, and dishearten'd my enemies abroad: But the seeming delay it hath met with since hath made them take new courage,
and

and they are now preparing for this next summer a greater fleet, as they say, than ever they had yet; so that if the supply be not speedily dispatch'd, it will altogether be ineffectual, and the safety, honour and interest of *England* must of necessity be exposed. Pray lay this to heart, and let not the fears and jealousies of some draw inevitable ruin upon us all.

My Lords and Gentlemen,

If there be any scruple yet remaining with you, concerning the *suspension of penal laws*, I here faithfully promise you, that what hath been done in that particular *shall not for the future be drawn into example and consequence*. And as I daily expect from you a bill for my supply, so I assure you, I shall as willingly receive and pass any other you shall offer me, *That may tend to the giving you satisfaction in all your just grievances*.

This speech was so pleasing and obliging to the Parliament in general, that both houses joined in the following vote. Resolv'd *nemine contradicente*, That the humble and hearty thanks of these houses be returned to his Majesty, for his gracious, *full and satisfactory* answer, this day given to their humble petitions and addresses. This was declared to the King in the *banqueting-house*, by the mouth of the Lord Chancellor, at the head of both houses; to which his Majesty made this answer.

My Lords and Gentlemen,

I hope there never will be any difference amongst us; I assure you there never shall be any on my part.

No sooner did the King begin to incline to the recalling his declaration of indulgence, but the *Lord Shaftsbury* perceived it: He lost no time, the resolution was not taken till eleven at night, and the next morning he appeared in the house of Lords,

at the head of the most zealous Peers against the catholic religion, the wars with *Holland*, and the alliance with *France*. The *Lord Clifford* that day had undertaken to open the debate of the Lords-house, for establishing a perpetual fund, in order to advance the prerogative, and render Parliaments inconsiderable. He prepared a set speech to that purpose, which he read to the Lord Chancellor, who desired to hear it again; and, upon the second reading, he charged his memory with the substance of it, promising he would likewise come roundly into the debate: This gave him an opportunity, he wished for, to be revenged of the courtiers, and the *Lord Clifford*; who, pursuant to the determination of the *cabal*, began the debate with the very speech he had shew'd the Lord Chancellor; while his Majesty and his royal highness were then in the house to countenance the design. The country Lords, and those who were not in the secret, stared at one another; the whole house, at the end of the speech, meditating the fate of *England*, remained in an awful silence; when Chancellor *Shaftsbury* stood up, and answered his speech from the beginning to the end, shewing, that his propositions were extravagant: That what he aim'd at would end in confusion, and the ruin of the government: That it might perhaps send the royal family abroad again, to spend their lives in exile, without hopes of a return. All which he spoke with so much spirit and sharpness, that he confounded the court counsels. While he was speaking the duke of *York*, enraged at him, whispered the King, *what a rogue have you of a Lord Chancellor!* The King briskly reply'd, *god's fish; what a fool have you of a Lord-Treasurer.* The debate ended in a ruffle, and the *Lord Clifford* narrowly escaped being sent to the *Tower*; and finding himself thus given up by the King, like his new opponent, he declared, *he would serve no prince in the world who had not courage to avow*

avow his principles, and support his ministers in the execution of his demands.

The popish party had rendred themselves formidable by their obtaining many places of honour, profit and trust ; but now a bill was depending that would certainly throw them out of all, and secure all places to those of the church of *England* alone. This was called the *Test Act*, which was particularly *Test Act.* promoted, if not invented by the Earl of *Shaftsbury*, who resolved to strike directly at the Duke of *York* and his friends ; tho' the act reached all sorts of dissenters. This bill gave a great alarm to many persons who used all means to oppose it ; but it soon passed the house of Commons, whose Apprehensions of popery daily increased. When it came to be debated in the house of Peers in the presence of the King himself, *March 15th*, the famous Earl of *Bristol*, tho' a professed roman catholick, unexpectedly stood up for the bill in general, and spoke remarkably upon it ; of which some account shall be given to shew the temper of the times, as well as the ingenuity of the speaker.

Towards the beginning of his speech he declar'd *Earl of Bristol's speech.* himself a catholick of the church of *Rome* not a catholick of the court of *Rome* ; a distinction he thought worthy of memory and reflection, whenever any severe proceedings against those they called papists should come in question, since those of the court of *Rome* did only deserve the name. Therefore he insisted, that they should not speak here as roman catholicks, but as faithful members of a protestant Parliament.

Coming to the bill itself, he proceeded thus : In the first place, my Lords, I beseech you to consider, That this bill for securing of general fears is brought up to you from the house of Commons, the great representative of the people, and consequently the best judges of the true temper of the nation : A house of Commons surpassing all that ever have been in the illustrious marks of their duty, loyalty and affection

affection to their Sovereign, both in his person and government : Such a house of Commons as his Majesty ought to consider, and cherish always, with such a kind of love as is due to a wife, never to be parted with unkindly, and as a mistress, to be turned off when our turn is served by her. *My Lords*, this casual mention of a wife suggests to my thoughts a pursuance of the comparison. I have observed in the course of my life, that men who have wives somewhat coquets, that is, a little subject to gallantries, live easier lives with them, and freer from troublesome contentions, than those who have wives of exact rigid Virtue ; and the reason is clear : For the more gamesome ladies, being conscious of their failings in that essential part, are careful to disguise and repair them by kind and tender compliances with their husband's humours in all other things ; whereas wives severely punctual and exact in the chief matrimonial duty expect, and even exact, far greater compliances from their husbands ; and think themselves as it were privileged, by the rigidity of their virtue, to be sometimes troublesome in domestick affairs, especially if there be any jealousy in the case. In like manner, *My Lords*, it is not to be much wondered at, if this incomparable house of Commons, transcending all that ever were in the grand essentials of duty, loyalty, and affection to their King, should at some times be a little troublesome to him in lesser occurrences ; especially when once fears and jealousies are on the wing ; *My Lords*, I shall not pretend to determine, whether there have been any just grounds given by any violent men, or by the unreasonable ambition of any roman catholicks, for such fears and jealousies ; it suffices to exact the necessity of a timely remedy, since they have indeed most violently seized, and distemper'd the minds of the major part of his Majesty's protestant subjects, which certainly no man conversant in the world can deny. Now, *My Lords*, in popular
fears

fears and apprehensions, those usually prove most dangerous, that are rais'd upon Grounds not well understood ; and may rightly be resembled to the fatal effects of panick fears in armies, where I have seldom seen great disorder arise from intelligences brought in by parties and scouts, or by advertisements to generals, but from alarms upon groundless and capricious fears of danger, taken up we know not either how, or why : This no man of moderate experience, in military affairs, but hath found the dangerous effects of one time or other : In giving a stop to which mischiefs, the skill of great Commanders is best seen. In like manner, *My Lords*, this great and judicious assembly of the house of Commons, rightly sensible of the dangerous effects which so general a disturbance of men's minds in the concernments of religion (how groundless soever) might produce, have applied their care to obviate them by this bill : A bill in my opinion, *as full of moderation towards catholicks, as of prudence and security towards the religion of the state* : In this bill, *My Lords*, notwithstanding all the alarms of the *encrease of popery and designs of papists*, here is no mention of barring them from private, and modest exercise of their religion ; no banishing them to such a distance from court, no putting in execution of penal laws in force against them ; all their precautions are reduced to this one intent, natural to all societies of men, of hindering a lesser opposite party from growing too strong for the greater and more considerable one : And in this just way of prevention, is not the moderation of the house of Commons to be admired, that they have restrained it to this sole point, *of debarring their adversaries from offices, and places, and from accession of wealth by favour of the Sovereign* ? And after all, *My Lords*, how few does these sharp trials, and tests of this act regard ? Only a few such roman catholicks as wou'd fain hold offices, and places at the price of hypocrisy, and dissimulation of their true sentiments in religion. *My Lords*, however the sentiments of

a catholick of the church of *Rome* (I still say, not of the court of *Rome*) may oblige me, upon scruple of conscience, in some particulars of this bill to give my negative to it, when it comes to passing; yet as a member of a protestant parliament my advice prudentially cannot but go along with the main scope of it, the present circumstances of time, and affairs considered, and the necessity of composing the disturbed minds of the people.

On the 29th of *March*, before the bill in favour of the protestant dissenters and some others could be finished, the King came to the house of Peers, and besides the money bill, passed the test act, and several other publick acts; after which the Parliament was adjourned to the 20th of *October*.

The thirteenth session.

The Duke of Buckingham's speech in the house of Commons, upon occasion of some questions proposed by them to his Grace, together with his reply thereunto, in relation to several mismanagements of state affairs, by advice of some of the ministry, January the 14th, 1673-4.

The Duke of *Buckingham* being called into the house, after having given his respects to the speaker, and of each hand, and behind him, expresses himself in these words:

Mr. Speaker,

Duke of Buckingham's speech, Jan. 14th, 1674.

I GIVE the house my humble thanks for the honour you have twice done me, especially expressing myself so ill yesterday. I hope you will consider the condition I am in, in danger of passing in the censure of the world, for a vicious Person and a betrayer of my country; I have ever had the misfortune to bear the blame of other men's faults. I know the revealing the King's counsels, and corresponding with the King's enemies, are laid against me; but I hope for your pardon if I speak truth for myself. I told you yesterday, if the Triple League had any advantage

vantage in it (I speak it without Vanity) I had as great a hand in it as any man. Then upon the Instance of the *French* Ambassador, I was sent into *France* upon the sad subject of condoling the death of *Madam*, where I urged for the service of the King that the *French* ought not to endeavour to make themselves considerable at sea, of whom we had reason to be more jealous than of the *Dutch*, because the *French* then would have power to conquer us. When I returned, I found all the demonstrations that the *French* had no such thoughts, but that the King of *England* should be master at sea. I do not pretend to judge whether I or other men were in the right, I leave the judgment of that to this honourable house. At this time my Lord *Shaftsbury* and my self advised not to begin a war without the advice of the Parliament, and the affections of the people, (for I look upon the King, at the head of his Parliament, to be the greatest Prince in the world;) this was my Lord *Shaftsbury*'s opinion and mine, but not my Lord *Arlington*'s. My next advice was, not to make use of *French* ships, half their value in money would have been more serviceable. I alledged, they would be of no use to us, by reason of their want of experience in our seas, and there would be great danger in their learning the use of them, which advice my Lord *Arlington* opposed, notwithstanding the King was so desirous of avoiding a breach with *France*, that he sent me to *Dunkirk*, and my Lord *Arlington* to *Utrecht*, where I still endeavoured to get money instead of ships. At my first audience, the King of *France* was willing to comply, but after some returns and letters from hence he was alter'd; but I make no reflections upon persons, but barely state matters of fact. Then it was my Lord *Shaftsbury*'s advice and mine, so to order the war, as that the *French* should deliver us some towns of their conquests into our hands: an useful precaution in former times. My Lord *Arlington*

would have no towns at all for one year. And here is the cause of the condition of our affairs. We set out a fleet with intention to land men in order to the taking of Towns. The *French* army go on conquering and get all, and we get nothing, nor agree for any. Pray consider who it was that was so often locked up with the *French* Ambassador. My spirit moves me to tell you, that when we were to consider what to do, we were to advise with the *French* Ambassador. I will not trouble you with reports, but pray look not upon me as a Peer, but an honest *English* gentleman, who has suffered much for my love to my country. I had a regiment given me, which was Sir *Edward Scot's*, I gave him 1600 *l.* for it : There is no papist officer in it, nor *Irishman*. I shall say nothing of my extraordinary gains, I am sure I have lost as much estate as some men have gotten ; (and that is a big word) I am honest, and when I appear otherwise, I desire to die : I am not the man that has gotten by all this ; yet after all this I am a grievance : I am the cheapest grievance this house ever had ; and so I humbly ask the pardon of the house for the trouble I have given.

The Speaker then proceeded to ask the Duke the following questions by order of the house.

Q U E S T I O N I.

Whether any persons declared to your grace any ill advices against the liberties and privileges of this house, or to alter the government, who they were, and what they advised ?

D U K E ' s A n s w e r .

There is an old proverb, Mr. Speaker, *over boots over shoes*. This reflects upon one that is not now living, and so I desire pardon for saying any thing farther, fearing it may be thought a malicious invention of mine, the person being dead. I have said nothing yet but what I can justify, but this I cannot.

Q U E S T I O N

QUESTION II.

Some words fell from your grace yesterday, wherein you were pleased to say some had gotten 3. 4. 5000, 000 *l.* The house would know who they were, and by what means they had gotten such sums?

DUKE's Answer.

I am not well acquainted by what means they got so much, being not at all acquainted with the ways of getting money. What the Duke of *Ormond* has got is upon record, being about 500, 000 *l.* my Lord *Arlington* has not got so much, but has got a great deal.

QUESTION III.

By whose advice was the army raised, and Monsieur *Schomberg* made general?

DUKE's Answer.

I cannot say by whose advice, but upon my honour not by mine. I was told by a man that's dead that my Lord *Arlington* sent for him, and it will easily be proved.

QUESTION IV.

By whose advice was this army brought up to awe the debates and resolutions of the house of Commons?

DUKE's Answer.

I must make to this the same answer as I did before; it was a discourse from a man dead of one now living. If I had deserved the honour, I think I might have had the command of that army before him; but *Schomberg* was told, my Lord *Arlington* would have the government by an army.

QUESTION V.

Who made the *French* league?

DUKE's Answer.

My Lord *Arlington* and my self were only employed to treat, and finding the danger we were in of being cheated, we pressed the Embassadors to sign before they had power; and though it 'twas an odd request yet they did sign.

QUESTION

QUESTION VI.

Who made the first treaty with *France*, by which The Triple-Alliance was broken?

DUKE's *Answer*.

I made that treaty.

QUESTION VII.

By whose advice was the *Exchequer* shut up, and the order of payment there broken?

DUKE's *Answer*.

I was not the adviser, I am sure I lost 3000l. by it.

QUESTION VIII.

Who advised the declaration in matter of religion?

DUKE's *Answer*.

I do not disown that I advised it; being always of opinion, that something was to be done in that nature in matters of conscience, but no farther than the King might do by law,

QUESTION IX.

Who advised the attacking the *Smyrna* fleet before the war was proclaimed?

DUKE's *Answer*.

It was my Lord *Arlington*'s advice, I was utterly against it, as careful of the honour of the nation and incurred some anger by it. My Lord *Arlington* principally moved it, and I might say more.

QUESTION X.

By whose advice was the second treaty at *Utrecht*?

DUKE's *Answer*.

My Lord *Arlington* and I were sent over, and I found in *Holland* the greatest consternation imaginable, like the burning of the Rump in *England*, the people crying, *God bless the King of England*, and cursing the states; and had we then landed, we might have then conquered the country. The Prince of *Orange* would have had the same share in the peace with *France* that we had, but though the King's nephew, I thought he must be kind to his own country; if we had made a peace then, we had been in a worse condition than before;

before ; and lastly, the prince of *Orange* hoped for a good peace with us upon that treaty, but I would never consent that *France* must have all and we nothing. The consequence would be that *Holland* must intirely depend upon *France*, and I think it a wise article, that the *French* were not to make Peace without us.

QUESTION XI.

By what Counsel was the war begun without the Parliament, and thereupon the Parliament prorogued?

Duke's Answer.

My Lord *Shaftsbury* and I were for advising with the Parliament, and adverse to the prorogation. I can say nothing, but I believe the Parliament will never be against a war for the good of *England*.

The house was so little satisfied with the Duke's speech, and his several answers, that upon a farther debate they came to this resolution, that an address be presented to his Majesty, to remove the said Duke of *Buckingham* from all his employments that are held during his Majesty's pleasure and from his presence and counsels for ever.

The next day they entered upon a debate about the Earl of *Arlington*, who at his own request was likewise admitted to be heard in the house. In making of his defence, he answered some parts of the Duke of *Buckingham's* speeches, and fairly gave the honour of the *Triple-Alliance* to Sir *William Temple*. But he was so far from giving satisfaction to the house as to his own conduct, that they presently drew up articles of impeachment against him, under this title ; *articles of treasonable and other crimes of high misdemeanor against the Earl of Arlington principal secretary of state, viz.*

I. The said Earl hath been a constant and vehement promoter of *popery* and *popish* counsels. 1. By procuring commissions for all the *papists* lately in command, who made their application to him only

as a known favourer of that faction; there being not one commission signed by the other secretary, many of which commissions were procured and sign'd by him since the several addressees of the two houses of Parliament to his Majesty, and the passing the late act against *popery*. 2. By procuring his Majesty's letter, commanding *Irish* papists and rebels to be let into corporations, and admitted into the commission of the peace, and other offices of trust, military and civil, contrary to the established laws and constitutions of this realm, to the great terror of the King's *Protestant* subjects there. 3. By not only setting up and supporting the aforesaid *papists* there, but bringing the most violent and fiercest of them to command companies and regiments of the King's *English* subjects there, to the greatest dishonour and danger of this kingdom. 4. By openly and avowedly entertaining and lodging in his family a *popish* priest, contrary to the known laws of the land; which said priest was a noted solicitor and promoter of the popish faction, and hath since fled out of this kingdom. 5. By procuring pensions in other men's names for popish officers, contrary to, and in illusion of the late act of Parliament. 6. By obtaining grants of considerable sums of money to be charged upon the revenue of *Ireland*, for the most violent and pernicious *papists* there; particularly two thousand pounds for one colonel *Fitz-patrick*, a notorious *Irish* rebel, whose mother was hanged in the late wars for murdering several *English*, and making candles of their fat; this grant being procured for the said *Fitz-patrick* at a time when he was accused to the said Lord *Arlington* of high crimes by the now Lord *Lieutenant* of *Ireland*. 7. By procuring his Majesty to release to several *Irish* *papists*, some whereof were deeply engaged in the horrid rebellion of that kingdom, the chiefery's or head-rents reserved to the crown, out of the forfeited estates of *papists*

papists there, being a principal part of his Majesty's revenue in that kingdom.

II. That the said Earl had been guilty of many undue practices to promote his own greatness, and hath embezzelled and wasted the treasure of this nation. 1. By procuring vast and exorbitant grants for himself, both in *England* and *Ireland*, breaking into the settlement of that kingdom, and dispossessing several of the *English* adventurers and soldiers of the proprieties and free-holds in which they were duly and legally stated, without any colour of reason, or suggestion of right. 2. By charging excessive, and almost incredible sums for false and deceitful intelligence. 3. By procuring his Majesty's hand for the giving away, from his first entrance into his office, the value of three millions sterl. money at the least; the several grants whereof are extant, counterfign'd by him, and by him only. 4. That the said Earl, presuming to trample upon all estates and degrees of the subjects of this realm, the better to subdue them to his will and pleasure, hath causelessly and illegally imprisoned many of his Majesty's subjects. 5. That he did procure a principal Peer of the realm to be unjustly imprisoned, and to be proclaim'd traitor, without any legal proceeding or trial, and did maliciously suborn false witnesses with money to take away his life, upon pretence of treasonable words.

III. That the said Earl hath falsely and traiterously betrayed the great trust reposed in him by his Majesty, as counsellor and principal secretary of state. 1. By entertaining a more than usual intimacy with the *French* Ambassador, not only lodging him in his house, but letting him into the King's most secret counsels. 2. By altering in private, and singly by himself, several solemn determinations of his Majesty's council. 3. By procuring a stranger to have the chief command of the late rais'd army, for the invasion of *Holland*, to the great dishonour and discouragement

couragement of all the legal nobility and gentry of this nation. 4. By advising his Majesty to admit of a squadron of *French* ships, to be joined with our *English* fleet (the sad consequence whereof we have since felt) notwithstanding the King of *France* had agreed to send a supply of money, in order to have the fleet wholly *English*. 5. Whereas the King was advised by several of the counsellors to press the *French* King to desist from making any farther progress in the conquest of the in-land towns of *Holland*, whereof *England*, was to have no benefit, and to turn his army upon those maritime towns that were by the treaty to be ours, his Lordship gave the King counsel to desist, whereby that part of our expectation was wholly frustrated. 6. Whereas the King was advised by several of his council not to enter into this war, till his Majesty was out of debt, and had advised with his Parliament, his Lordship was of opinion to the contrary, and gave his advice accordingly. 7. When the *French* ships were dispersed after the late fight at sea, and had lost all their anchors and cables by reason of the foul weather that then ensued, he persuaded his Majesty to send them eighty cables and anchors although it was then objected, and he knew it to be true, that his Majesty had not at that time any more in his stores to supply his own ships in case of the like necessity. 8. He hath traiterously corresponded with the King's enemies beyond the seas, and contrary to the trust repos'd in him, hath given intelligence to them.

Not satisfied with what they had done against the earl of *Arlington*, whom they look'd upon as a notorious romanist, the Commons proceeded to prepare a severe bill *for a general test to distinguish between protestants and papists and to prevent the danger and farther growth of popery, and for a more easy and speedy conviction of popish recusants; and those that shall refuse to take it, be made incapable to enjoy any office, military or civil, to sit in either houses of Parliament,*

liament, or to come within five miles of the court. Tho' there wanted time to bring the bill into a law, yet the *Test* it self is not to be forgotten, which was in these words.

‘ I A. B. do solemnly, from my heart, and in the
 ‘ presence of Almighty God, profess, testify and
 ‘ declare, that I do not believe in my conscience that
 ‘ the church of *Rome* is the only *Catholick* and *uni-*
 ‘ *versal Church of Christ*, out of which there is no sal-
 ‘ vation ; or that the Pope hath any jurisdiction or
 ‘ supremacy over the *Catholick Church* in general, or
 ‘ over myself in particular, or that it belongs to
 ‘ the said church of *Rome* alone to judge of the true
 ‘ *sense and interpretation* of the holy scriptures ; or
 ‘ that in the holy sacrament of the eucharist, there is
 ‘ made a perfect change of the whole substance of
 ‘ the bread into Christ’s body, or of the whole sub-
 ‘ stance of the wine into Christ’s blood, which change
 ‘ the said church of *Rome* calleth *transubstantiation* ;
 ‘ or that the virgin *Mary* or any other saint, ought
 ‘ to be worshipped, or prayed unto : And all the
 ‘ aforefaid *doctrines* and positions, I do renounce and
 ‘ disclaim, as false and erroneous, and contrary to
 ‘ God’s word, and the christian religion.’

The house of Commons on the 7th of *February* went into a committee of the whole house to take into their consideration the grievances of the nation, in which they particularly resolved, that the continuance of any standing forces in this nation, other than the militia, is a great grievance and vexation to the people ; and it is the humble petition and address of this house to his Majesty, that he will immediately cause to be disbanded that part of them that were raised since the first day of *January* 1663 : This matter gradually led them into an uncommon debate concerning the King’s guards, which had been established soon after the restoration ; and these following reasons were given in for *disbanding the horse and foot guards, commonly called the King’s life-guard.*

1. That

1. That according to the laws of the land, the King hath no guards but those called *gentlemen pensioners*, and *yeomen of the guard*. 2. That ever since this Parliament, altho' there have been so many sessions, they never settled the *life guard* by act of Parliament; nay they have been so far from it, that whensoever they have been so much as mentioned in the house of Commons, they would never in the least take any favourable notice of them, always looking upon them as a number of men unlawfully assembled, and in no respect fit to be the least countenanced by the Parliament of *England*. 3. That they are of vast charge to the King and kingdom. 4. That they are altogether useless to this kingdom, as doth plainly appear by his Majesty's most happy and peaceable reign since his blessed restoration; there being so much real and mutual love, confidence and trust between his Majesty and his good people, which is daily manifested by his Majesty's frequent trusting and exposing his sacred person to his people without a guard. 5. That guards, or standing armies, are only in use where princes govern more by fear, than by love; as in *France*, where the government is arbitrary. 6. That this *life-guard* is a standing army in disguise, and that as long as they continue, the roots of a standing army will remain amongst us; and therefore it is impossible effectually to deliver this nation from a standing army, till these guards are pulled up by the roots. 7. That the *life-guard* is a place of refuge and retreat for *papists* and men popishly affected, and a school and nursery for men of debauched and arbitrary principles, and favourers of the *French* government, as it did too plainly appear in the case of Sir *John Coventry*. 8. That if the *life-guard* were disbanded, the King would thereby save some hundred thousand pounds *per annum*; which would in a few years enable him to pay all his debts without burthening his good people with any farther taxes to that end.

On

On the 11th of February, the King came to the house of Peers, and sending for the Commons he made this speech to both houses.

My Lords and Gentlemen,

IN pursuance of your advice, I have made a speedy and honourable, and I hope a lasting peace with the *Dutch*. As to your address for disbanding of the forces, I have since the peace made with the *Dutch*, given orders for disbanding them; nay, I have ordered to disband more than you desired. As for your address about the *Irish* regiments, I have ordered to send them back into *Ireland*. But I must needs acquaint you, that there is a great want of capital ships, and I would be glad to be equal in number with my neighbours, and I hope I shall have your assistance upon so good an occasion, to preserve the honour and safety of this nation.

This speech so affected the house of Commons that they immediately resolved, that the humble and hearty thanks of their house be returned to his Majesty for his making a speedy peace, and for his gracious answers to the addresses of their house concerning the standing forces.—And on the 24th the Parliament was prorogued to the 10th of November next.

On the 13th day of April 1675 the Parliament met according to their last prorogation, being the fourteenth session of the long Parliament, which the King opened with the following speech.

The fourteenth session.

My Lords and Gentlemen,

THE principal end of my calling of you now, The King's Speech. is to know what you think may be wanting to the security of *religion* and *property*, and to give myself the satisfaction of having used the utmost of my endeavours to procure and settle a right and lasting understanding between us: For I must tell you, I find the contrary so much laboured, and that the pernicious designs of ill men, have taken so much

place under *specious pretences*, that it is high time to be watchful in preventing their contrivances; of which this is not the least, that they would by all means they can devise, make it unpracticable any longer to continue this present Parliament. For that reason, I confess, I cannot think such have any good meaning to me: And therefore when I consider how much the greatest part of this Parliament has, either themselves or fathers, given me testimonies of their affections and loyalty; I should be extreme loth to oblige those enemies, by parting with such friends: And they may be assured, that none shall be able to recommend themselves to me by any other way than their good services. I have done as much on my part as was possible to extinguish the fears and jealousies of popery; and will leave nothing undone that may shew the world my zeal to the protestant religion, as it is established in the church of *England*, from which I will never depart.

I must needs recommend to you the condition of the fleet, which I am not able to put into that estate it ought to be, and which will require so much time to repair and build, that I should be sorry to see the *Summer* (and consequently a whole year) lost, without providing for it. The season of the year will not permit any long session: nor would I have called you now, but in hopes to do something that may give content to all my subjects, and to lay before you the consideration of the fleet; for I intend to meet you again in *Winter*. In the mean time I earnestly recommend to you all, such a temper and moderation in your proceedings, as may tend to unite us all in counsel and affections, and disappoint the expectations of those, who can hope only by violent and irregular motions to prevent the bringing this session to a happy conclusion. The rest I leave to my Lord Keeper.

Accord-

Accordingly the Lord Keeper made a long and eloquent speech, of which the greatest part ought not to be omitted, beginning thus:

My Lords &c.

The solemnity of this day's appearance is equal to the weight and importance of the occasion; the matters to be treated of, deserve no less than an assembly of the three estates, and a full concourse of all the wise and excellent persons who bear a part in this great council, and do constitute and complete this high and honourable court. His Majesty begins with the consideration of religion; he sees it is the first thing in all your thoughts, and you cannot but see it hath been, and still is the first, and principal part of his care. He hath also considered religion, first in general, as it is Protestant, and stands in opposition to Popery; and upon that account it is that he hath awaken'd all the laws against the Papists; there is not one statute extant in all the volumes of our laws, but his Majesty hath now put in a way of taking its full course against them. And upon this account also it is, that in a league lately renewed with a Protestant crown, his Majesty hath made it one article of that league, that there shall be a mutual defence of the Protestant religion. His Majesty hath considered religion again more particularly, as it is the Protestant religion established by law in the church of *England*; he sees that as such, it is not only best suited to the monarchy, and most likely to defend it, but most able to defend itself against the enemies of all reformation: And therefore upon this account it is, that his Majesty with equal and impartial justice, hath revived all the laws against Dissenters and Nonconformists, but not with equal severity; for the laws against the Papists are edged, and the execution of them quickened by new rewards proposed to the informers; those against Dissenters are left to that

The Lord
Keeper's,
Speech.

strength which they have already. Both these, and all other laws whatsoever, are always understood to be subject to the pleasure of Parliament, which may alter, amend, or explain them as they see cause, according to public convenience. For when we consider religion in Parliament, we are supposed to consider it as a Parliament should do, and as Parliaments in all ages have done; that is, as it is a part of our laws, and a necessary part of our government. For as it works upon the conscience, as it is an inward principle of the divine life, by which good men do govern all their actions, the state hath nothing to do with it; 'tis a thing which belongs to another kind of commission, than that by which we sit here.

In the next place, the King hath thought fit to direct your considerations upon the safety and honour of the state: both which are then best provided for, when we keep up the strength and reputation of our fleet. It is not altogether the natural decay of shipping, no nor the accidents of war, that have lessened our fleet, tho' something may be attributed to both these; but our fleet seems rather to be weakened for the present, by being out-grown and out-built by our neighbours. ' Then proceeding to ' discourse of the laws in general, he told them, ' In making of laws therefore it will import to consider, that too many laws are a snare, too few are a weakness in the government, too gentle are seldom obeyed, too severe are as seldom executed, and sanguinary laws are for the most part, either the cause or the effect of a distemper in the state. To establish this state there seems not to need many laws, some will always be wanting; and tho' all that is wanting shall not now be finished, yet whatever shall remain unfinished, may be perfected in Winter, at which time we have a gracious intimation from his Majesty, that we shall meet again. ' Then speaking of the present happiness of the nation, he proceeded

‘ceeded thus:’ We are newly gotten out of an expensive war, and upon terms more honourable than ever. The whole world is now in peace with us, all ports are open to us, and we exercise a free and uninterrupted traffic through the ocean: And we are reaping the fruits of all this peace, by a daily improvement of our trade, and the increase of our shipping and navigation. Our constitution seems to be so vigorous and strong, that nothing can disorder it but ourselves. No influences of the stars, no configurations of the heavens are to be feared, so long as these two houses stand in a good disposition to each other, and both of them in a happy conjunction with their Lord and Sovereign. Why should we doubt it? Never was discord more unreasonable. A difference in matters of the church, would gratify the enemies of our religion, and do them more service than the best of their auxiliaries. A difference in matters of state, would gratify our enemies too, the enemies of our peace, the enemies of this Parliament, that hope to see, and practise to bring about revolutions in the government. They well understand, that the best health may be destroyed by too much care of it; an anxious scrupulous care, a care that is always tampering; a care that labours so long to purge all ill humours out of the body, that at last it neither leaves good blood nor spirits behind. In like manner there are two symptoms which are dangerous in every state, and of which the historian hath long since given us warning: One is when men do *quieta movere*; when they stir those things or questions which are, and ought to be in peace; and like unskilful architects, think to mend the building by removing all the materials which are not placed as they would have them. Another is, *cum res parvæ magnis motibus aguntur*, when things, not of the greatest moment, are agitated with greatest heat; and as much weight is laid upon a new, and not always very necessary proposition,

sition, as if the whole sum of affairs depended upon it.

My Lords and Gentlemen,

The King is far, infinitely far, from fearing any excess of this kind here; he knows too well the wisdom, the honour, and the loyalty of this great assembly, to apprehend any kind of error, either in your judgments, or your affections; he does not only find himself safe, but he thinks himself armed too, while he is attended with such a nobility, such a gentry as this. You that were able to raise the King's affairs, when they were in their lowest and most deplored condition, will surely be able to keep them from any relapse. You that were able to make this government take root again, will surely be able to preserve it in a growing and flourishing estate. Such pilots need not fear a storm! If you could, this consideration alone were enough to support you, *That you carry Cæsar and his fortunes*: You serve a Prince in whose preservation miracles are become familiar; a Prince in whose stile *Dei Gratiâ* seems not to be written by a vulgar pen, but by the arm of Omnipotence itself. Raise up then, by your example, the hearts and hopes of all those, whom ill men have wrought upon to such a degree, as to cast them into a sadness, and into a despondency, which is most unreasonable: What the *Romans* scorn'd to do after the battle of *Cannæ*; what the *Venetians* never did when they had lost all their *Terra-firma*; that, men are now taught to think a virtue, and the sign of a wise and good man, *Desperare de Republicâ*. And all this in a time of as much justice and peace at home, as good laws for the security of religion and liberty, as good execution of those laws, as great plenty of trade and commerce abroad, and as likely a conjuncture of affairs for the continuance of these blessings to us, as ever nation prospered under. Confirm the faith then of those that are made weak,
by

by shewing them the stedfastness of your belief; give the King the hearts of all his subjects, by making him a present of yours. Then will the King esteem himself a richer Prince than if he were possessed of all the treasures of the east: Then, tho' this session should close in a few weeks, yet it may be perpetual for the fruit it shall produce, and for the commemoration that will follow it. Then will this year be a true year of *jubilee*; and we shall have nothing to wish or pray for in this world, *but the blessed continuance of his Majesty's long and happy reign over us.*

A LETTER from a person of quality, to his friend in the country.

SIR,

THIS session being ended, and the bill of *Test* being finished at the committee of the whole house, I can now give you a perfect account of this state master-piece. It was hatched (as almost all mischiefs of the world had hitherto been) amongst the great church-men, and it is a project of several years standing, but found not ministers bold enough to go through with it, until these new ones, who wanting a better bottom to support them, betook themselves wholly to this, which is no small undertaking, if you consider it in its whole extent.

First, to make a distinct party from the rest of the nation of the high episcopal man, and the old cavalier, who are to swallow the hopes of enjoying all the power and office of the kingdom; being also tempted by the advantage they may receive from overthrowing the act of oblivion, and not a little rejoicing to think how valiant they should prove, if they could get any to fight the old quarrel over again, now they are possessed of the arms, forts, and ammunition of the nation.

Next they design to have the government of the church sworn to us unalterable, and so tacitly owned

to be of divine right; which tho' inconsistent with the oath of supremacy, yet the churchmen easily break through all obligations whatsoever, to attain this station, the advantage of which, the prelate of *Rome* hath sufficiently taught the world.

Then in requital to the crown, they declare the government absolute and arbitrary, and allow monarchy, as well as episcopacy, to be *jure divino*, and not to be bounded or limited by human laws.

And to secure all this, they resolve to take away the power and opportunity of parliament to alter any thing in the church or state, only leaving them as an instrument to raise money, and to pass such laws as the court and church shall have a mind to: The attempt of any other, how necessary soever, must be no less a crime than perjury.

And, as the top stone of the whole fabric, a pretence shall be taken from the jealousies they themselves have raised, and a real necessity from the smallness of their party, to increase and keep up a standing army; and then in due time the cavalier and churchman will be made greater fools, but as arrant slaves as the rest of the nation.

In order to this, the first step was made in the act for regulating corporations; wisely beginning that in those lesser governments, which they meant afterwards to introduce upon the government of the nation; and making them swear to a declaration and belief of such propositions, as they themselves afterwards upon debate were enforced to alter, and could not justify in those words; so that many of the wealthiest, worthiest, and soberest men are still kept out of the magistracy of those places.

The next step was in the act of militia, which went for most of the chiefest nobility and gentry, being obliged as Lord Lieutenants, deputy Lieutenants, &c. to swear to the same declaration and belief, with the addition only of these words, *in pursuance of such military commissions*; which makes the
matter

matter rather worse than better. Yet this went down smoothly, as an oath in fashion, a testimony of loyalty; and none adventuring freely to debate the matter, the humour of the age, like a strong tide, carries wise and good men down before it. This act is of a piece; for it establisheth a standing army by a law, and swears us into a military government.

Immediately after this, followeth the *act of uniformity*, by which all the Clergy of *England* are obliged to subscribe and declare, what the corporations, nobility, and gentry had before sworn; but with this additional clause of the militia act omitted. This the Clergy readily complied with; for you know that sort of men are taught rather to obey than understand; and to use that learning they have, to justify, not to examine what their superiors command: And yet that *Bartholomew* day was fatal to our church and religion, throwing out a very great number of worthy, learned, pious and orthodox divines, who could not come up to this, and other things in that act: And it is, upon this occasion, worth your knowledge, that so great was the zeal in carrying on this church affair, and so blind was the obedience required, that if you compute the time in passing this act, with the time allowed for the Clergy to subscribe the book of common-prayer thereby established, you shall plainly find it could not be printed and distributed so, as one man in forty could have seen and read the book they did so perfectly assent and consent to.

But this matter was not complete until the *five-mile-act* passed at *Oxford*, wherein they take an opportunity to introduce the oath in the terms they would have it: This was then strongly opposed by the Lord Treasurer *Southampton*, Lord *Wharton*, Lord *Asbley*, and others, not only in the concern of those poor ministers that were so severely handled, but as it was in itself a most unlawful, and unjustifiable

fiable oath. However, the zeal of that time against all nonconformists, easily passed the act.

This act was seconded the same session at *Oxford*, by another bill in the house of Commons, to have imposed that oath on the whole nation. And the Providence by which it was thrown out was very remarkable; for Mr. *Peregrine Bertie* being newly chosen, was that morning introduced into the house by his brother the now Earl of *Lindsey*, and Sir *Thomas Osborn*, now Lord Treasurer, who all three gave their votes against that bill; and the members were so even upon the division, that their three votes carried the question against it.

Thus our church became triumphant, and continued so for divers years; the dissenting protestant being the only enemy, and therefore only prosecuted; whilst the papists remained undisturbed, being by the court thought loyal, and by our great Bishops not dangerous, they differing only in doctrine and fundamentals; but as to the government of the church, that was in their religion in it's highest exaltation.

This dominion continued unto them, untill the Lord *Clifford*, a man of a daring and ambitious spirit, made his way to the chief ministry of affairs by other, and far different measures; and took the opportunity of the war with *Holland*, the King was then engaged in, to propose the declaration of indulgence, that the dissenters of all sorts, as well protestants as papists, might be at rest, and so a vast number of people not be made desperate at home, while the King was engaged with so potent an enemy abroad. This was no sooner proposed, but the Earl of *Shaftsbury*, a man as daring, but more able (tho' of principles and interest diametrically opposite to the other) presently closed with it; and perhaps the opportunity I have had, by my conversation with them both, who were men of diversion, and of free and open discourse where they had a confidence; may give you
more

more light into both their designs, and so by consequence the arms of their parties, than you will have from any other hand. My Lord *Clifford* did in exprefs terms tell me one day, in private discourse, ‘ that the King, if he would be firm to
‘ himself, might settle what religion he pleased,
‘ and carry the government to what height he
‘ would ; for if men were assured of the liberty of
‘ their consciences, and undisturbed in their properties, able and upright judges made in *Westminster-*
‘ *hall*, to judge the causes of *meum* and *tuum* ; and
‘ if, on the other hand, the fort of *Tilbury* was
‘ finished to bridle the city, the fort of *Plymouth* to
‘ secure the west, and arms for 20,000 men in each
‘ of these, and in *Hull* for the northern parts, with
‘ some addition which might be easily and undiscernably made to the forces now on foot, there
‘ were none that would have either will, opportunity, or power to resist.’ But he added withal,
‘ He was so sincere in the maintenance of property and liberty of conscience, that if he had his
‘ will, though he should introduce a Bishop of *Dur-*
‘ *ham* (which was the instance he then made, that
‘ see being then vacant) of another religion, yet
‘ he would not disturb any of the church beside,
‘ but suffer them to die away, and not by his
‘ change (how hasty soever he was in it) overthrow
‘ either of these principles, and therefore desired
‘ he might be thought an honest man, as to his
‘ part of the declaration, for he meant it really.’
The Lord *Shaftsbury* (with whom I had more freedom) I with great assurance asked what he meant by the declaration ? for it seemed to me (as I then told him) that it assumed ‘ a power to repeal and
‘ suspend all our laws, to destroy the church, to
‘ overthrow the protestant religion, and to tolerate
‘ popery.’ He replied, all angry, ‘ that he wondered at my objection, there being not one of
‘ these in the case ; for the King assumed no power
‘ of

‘ of repealing laws, or suspending them, contrary
‘ to the will of his Parliament or people ; and not
‘ to argue with me at that time the power of the
‘ King’s supremacy, which was of another nature
‘ than that he had in civils, and had been exercised
‘ without exception in this case, by father, grand-
‘ father, and Queen *Elizabeth*, under the great seal,
‘ to foreign protestants, become subjects of *England* ;
‘ not to instance in the suspending the execution of
‘ the two acts of navigation and trade, during both
‘ this and the last *Dutch* war, in the same words,
‘ and upon the same necessity, and as yet without
‘ clamour, that ever we heard : But to pass by all
‘ that, this is certain, a government could not be
‘ supposed, whether monarchical or of any other
‘ sort, without a standing supreme executive power,
‘ fully enabled to mitigate, or wholly to suspend
‘ the execution of any penal law, in the intervals of
‘ the legislative power ; which when assembled,
‘ there was no doubt but wherever there lies a ne-
‘ gative in passing of a law, there the address or
‘ sense known of either of them to the contrary (as
‘ for instance of either of our two houses of Parlia-
‘ ment in *England*,) ought to determine that indul-
‘ gence, and restore the law to its full execution,
‘ for without this the laws were to no purpose made,
‘ if the Prince could annul them at pleasure ; and so
‘ on the other hand, without a power always in be-
‘ ing of dispensing upon occasion, was to suppose a
‘ constitution extremely imperfect and impracti-
‘ cable ; and to cure those with a legislative power
‘ always in being, is, when considered, no other
‘ than a perfect tyranny. As to the church, he
‘ conceived the declaration was extremely their inte-
‘ rest ; for the narrow bottom they had placed
‘ themselves upon, and the measures they had pro-
‘ ceeded by, so contrary to the properties and li-
‘ berties of the nation, must needs in a short time
‘ prove fatal to them ; whereas this led them into
‘ another

‘ another way, to live peaceably with the dissent-
‘ ing and differing protestants, both at home and
‘ abroad, and so by necessity and unavoidable con-
‘ sequences, to become the head of them all, for
‘ that place is due to the church of *England*, being
‘ in favour, and of nearest approach to the most
‘ powerful Prince of that religion, and so always
‘ had it in their hands, to be the intercessors and
‘ procurers of the greatest good and protection that
‘ party throughout all *Christendom* can receive.
‘ And thus the Archbishop of *Canterbury* might be-
‘ come not only *alterius orbis*, but *alterius regionis*
‘ *papa*, and all the addition of honour and power,
‘ attained without the least loss or diminution of the
‘ church; it not being intended that one living,
‘ dignity, or preferment should be given to any
‘ but those who were strictly conformable. As
‘ to the protestant religion, he told me plainly,
‘ it was for the preserving of that, and that only,
‘ that he heartily joined in the declaration; for be-
‘ sides that he thought it his duty to have care in his
‘ place and station of those he was convinced were
‘ the people of God, and feared him, tho’ of dif-
‘ ferent persuasions; he also knew nothing else but
‘ liberty and indulgence, that could possibly (as our
‘ case stood) secure the protestant religion in *Eng-*
‘ *land*; and he begged me to consider, if the church
‘ of *England* should attain to a rigid, blind, and
‘ undisputed conformity, and that power of our
‘ church should come into the hands of a popish
‘ Prince, which was not a thing so impossible or
‘ remote, as not to be apprehended; whether in
‘ such a case, would not all the arms and artillery,
‘ and government of the church, be turned against
‘ the present religion of it? And should not all good
‘ protestants tremble to think what Bishops such a
‘ Prince was like to make, and whom those Bi-
‘ shops would condemn for hereticks, and that
‘ Prince might burn? Whereas if this, which is now
‘ but

‘ but a declaration might ever by the expedience of
‘ it gain the advantage of becoming an established
‘ law, the true protestant religion would still be kept
‘ up amongst the cities, towns, and trading places,
‘ and the worthiest and soberest (if not the greatest)
‘ part of the nobility, gentry, and people.’ As for
the toleration of popery he said ‘ it was a pleasant
‘ objection, since he could confidently say that the
‘ papists had no advantage in the least by this decla-
‘ ration, that they did not as fully enjoy, and with
‘ less noise, by the favour of all the bishops. It
‘ was the vanity of the *Lord Keeper* that they were
‘ named at all, for the whole advantage was to the
‘ dissenting protestants, which were the only men
‘ disturbed before ; and yet he confest to me that it
‘ was his opinion and always had been, that the pa-
‘ pists ought to have no other pressure laid upon them,
‘ but to be made incapable of office, court, or arms,
‘ and to pay so much as might bring them at least to
‘ a balance with the protestants for those chargeable
‘ offices they are liable unto ; and concluded with
‘ this, that he desired me seriously to weigh, whe-
‘ ther liberty and property were likely to be main-
‘ tained long in a country like ours, where trade is
‘ so absolutely necessary to the very being as well as
‘ the prosperity of it ; and in this age of the world,
‘ if articles of and matters of religion should become
‘ the only accessible ways to our civil rights.’

Thus, Sir, you have perhaps a better account of
the declaration, than you can receive from any other
hand, and I could have wish’d it a longer conti-
nuance, and better reception than it had ; for the
bishops took so great an offence at it, that they gave
the alarm of popery through the whole nation, and
by their emissaries the clergy (who by the connexture
and subordination of their government, and their
being posted in every parish, have the advantage of
a quick dispersing their orders, and a sudden and
universal

universal insinuation of whatever they please) raised such a cry, that those good and sober men who had really long feared the increase and continuance popery had hitherto received, began to believe the bishops were in earnest, their eyes open, tho' late, and therefore joined heartily with them ; so that at the next meeting of Parliament the protestant interest was run so high, as an act came up from the Commons to the house of Lords in favour of the dissenting protestants, and had passed the Lords, but for want of time ; besides another excellent act passed the royal assent for the *excluding all papists from office*, in opposition of which the Lord treasurer *Clifford* fell, and yet to prevent his ruin this sessions had the speedier end. Notwithstanding, the bishops attained their ends, the declaration being cancelled, and the *great seal* being broken off from it, the Parliament having passed no act in favour of the dissenters, and yet the sense of both houses sufficiently declared against all the indulgence but by act of Parliament. Having got this point, they used it at first with seeming moderation ; there were no general directions given for persecuting the Nonconformists, but here and there some of the most confiding justices were made use of to try how they could revive the old prosecution, for as yet the zeal raised against papists was so great, that the worthiest and soberest of the episcopal party thought it necessary to unite with the dissenting protestants, and not to divide their party, when all their forces were little enough : In this posture the sessions of Parliament that began *October 27th, 1673.* found matters, which being suddenly broken up, did nothing.

The next sessions, which began *January the 7th* following, the bishops continued their *zeal against the papists*, and seemed to carry on, in joining with the country lords, many excellent votes in order to a bill ; as in particular, *that the Princes of the blood-royal should only marry protestants*, and many others ;
but

but their favour to dissenting protestants was gone, and they attempted a bargain with the country Lords, with whom they then joined not to promote any thing of that nature except the bill for taking away assent and consent, and renouncing the covenant.

This session was no sooner ended without doing any thing, but the whole clergy were instructed to declare, *that there was now no more danger of the papists :*

The phanatic (for so they call the dissenting protestant) is again become the only dangerous enemy ; and the bishops had found a *Scotch* Lord, and two new ministers, or rather great officers of *England*, who were desperate and rash enough to put their masters business upon so narrow and weak a bottom : and that old covenanter *Lauderdale* is become the *patron of the church*, and has his coach and table filled with that party. The keeper and — are of a just size to this affair ; for it is a certain rule with the churchmen to endure (as seldom as they can) in business men abler than themselves. But his Grace of *Scotland* was least to be excused of the three, for having fallen from *presbytery, protestant religion, and all principles of public good and private friendship*, and become the slave of *Clifford*, to carry on the ruin of all he professed to support, does now also quit even *Clifford's* generous principles, and betake himself to a sort of men, that *never forgive any man the having once been in the right*, and such men who would do the worst of things by the worst of means ; enslave their country, and betray them, under the mask of religion which they have public pay for, and charge of, *so seething the kid in the mother's milk*. Our statesmen and bishops being now as well agreed as in old *Laud's* time, on the same principles, with the same passion, to attain their end, they in the first place gave orders to the judges in all their circuits to quicken the execution of the laws against dissenters, a new declaration is published directly contrary to the former, most in words against the

the papists, but in the sense, and in the close, did fully serve against both, and in the execution it was plain who were meant. A commission besides comes down, directed to the principal gentlemen of each county, *to seize the estates of both papists and fanatics*, mentioned in a list annexed, wherein, by great misfortune or skill, the names of papists of best quality and fortune (and so best known) were mistaken, and the commission rendered ineffectual as to them.

Besides this, the great ministers of state did in their common public talk assure the party, that all places of profit, commands and trust should only be given to the old *Cavaliers*; no man that had served, or been of the contrary party, should be left in any of them: And a direction is to issue to the great ministers before mentioned, and six or seven of the Bishops, to meet at *Lambeth-House*, who were, like the Lords of the articles of *Scotland*, to prepare their complete model for the ensuing session of Parliament.

And now comes this *memorable session of April 13th, 75.* than which never any came with more expectation of the court, or dread and apprehension of the people; the Officers, Court-Lords, and Bishops were clearly the major vote in the Lords house; and they assured themselves to have the Commons as much at their dispose, when they reckoned the number of courtiers, officers, pensioners, increased by the addition of the church and *Cavalier-party*, besides the address they made to men of the best quality there, by hopes of honour, great employments, and such things as would take. In a word, the *French King's* ministers, who are the great chapmen of the world, did not outdo ours this time, and yet the *over-ruling hand of God* has blown upon their politics, and the nation is escaped this session, like a bird out of the snare of the fowler.

In this session the Bishops wholly laid aside their
 VOL. I. G zeal

zeal against popery. The committee of the whole house for religion, which the country Lords had caused to be set up again by the example of the former sessions, could hardly get, at any time, a day appointed for their sitting, and the main thing designed for a bill voted in the former session, *viz.* the marrying our princes to none but protestants, was rejected, and carried in the negative by the unanimous votes of the Bishops bench; yet the lay Lords, not understanding from how excellent a principle this proceeded, commonly called them for that reason the dead weight, and they really proved so in the following business; for the third day of this session *this bill of Test* was brought into the Lords house by the Earl of *L. L. C.* a person of great quality, but in this imposed upon, and received it's first reading, and appointment for the second, without much opposition, the country Lords being desirous to observe what weight they put upon it, or how they designed to manage it.

At the second reading, the *Lord keeper* and some other of the Court-Lords recommended the bill to the house in set and elaborate speeches, the *Keeper* calling it, *a moderate security to the church and crown*, and that no honest man could refuse it, and who ever did gave great suspicion of *dangerous and antimonarchical principles*; the other Lords declaim very much upon *the rebellion of the late times, the great number of fanatics, the dangerous principles of rebellion still remaining*; carrying the discourse on, as if they meant to trample down the *act of oblivion* and all those whose securities depended on it. But the Earl of *Shaftsbury*, and some other of the country Lords, earnestly press'd that the bill might be laid aside, and that they might not be engaged in the debate of it; or else that the freedom they should be forced to use in the necessary defence of their opinion, and the preserving of their laws, rights, and liberties, which this bill would overthrow, might

might not be misconstrued: For there are many things that must be spoken upon the debate, both concerning church and state, that it was well known they had no mind to hear; notwithstanding this, the great officers and Bishops called out for the question, of referring the bill to a committee; but the Earl of *Shaftsbury*, a man of great abilities and knowledge in affairs, and one that in all these variety of changes of this last age, was never known to be either bought, or frightened out of his public principles, at large opened the mischievous, and ill designs and consequences of the bill, which, as it was brought in, required all officers of the church and state, and all members of both houses of Parliament to take this Oath following.

I A. B. do declare, that it is not lawful, upon any pretence whatsoever, to take up arms against the King; and that I do abhor that traiterous position of taking arms by his authority, against his person, or against those that are commissioned by him in pursuance of such commission: And I do swear, that I will not at any time endeavour the alteration of the Government either in church or state, so help me God.

The Earl of *Shaftsbury* and other Lords spake with such convincing reason, that all the Lords, who were at liberty from court-engagements resolved to oppose, to the uttermost, a bill of so dangerous a consequence: and the debate lasted five several days before it was committed to a committee of the whole house, which hardly ever happened to any bill before. All this and the following debates were managed chiefly by the Lords, whose names you will find to the following protestations; the first whereof was as followeth.

We whose names are under-written, being Peers of this Realm, do, according to our rights, and the ancient usage of Parliaments, declare, that the question having been put, whether the bill (entituled, an Act to

prevent the dangers which may arise from persons disaffected to the government) *doth so far retrench upon the privileges of this house, that it ought therefore to be cast out: It being resolved in the negative, We do humbly conceive, that any bill which imposeth an Oath upon the Peers with a penalty, as this doth, that upon the refusal of that Oath, they shall be made incapable of sitting and voting in this house; as it is a thing unprecedented in former times, so is it in our humble opinion, the highest invasion of the liberties and privileges of the Peerage that possibly may be, and most destructive of the freedom which they ought to enjoy as members of Parliament, because the privileges of sitting and voting in Parliament is an honour they have by birth, and a right so inherent in them, and inseparable from them, as that nothing can take it away, but what by the law of the land, must withal take away their lives, and corrupt their blood; upon which ground we do here enter our dissent from that Vote, and our protestation against it.*

<i>Buckingham.</i>	<i>Denbigh.</i>	<i>De la Mer.</i>
<i>Bridgewater.</i>	<i>Pagitt.</i>	<i>Eure.</i>
<i>Winchester.</i>	<i>Hollis.</i>	<i>Shaftsbury.</i>
<i>Salisbury.</i>	<i>Peter.</i>	<i>Clarendon.</i>
<i>Bedford.</i>	<i>Howard, E. of Berks.</i>	<i>Grey Roll.</i>
<i>Dorset.</i>	<i>Mobun.</i>	<i>Say and Seal.</i>
<i>Ailsbury.</i>	<i>Stamford.</i>	<i>Wharton.</i>
<i>Bristol.</i>	<i>Hallifax.</i>	

The next protestation was against the vote of committing the bill in the words following.

The question being put, Whether the bill, entitled an act to prevent the dangers which may arise from persons disaffected to the Government, ' should be
' committed; it being carried in the affirmative,
' and We, after several days debate, being in no
' measure satisfied, but still apprehending that this
' bill doth not only subvert the privileges and birth
' right

‘ right of the Peers, by imposing an oath upon
 ‘ them, with the penalty of losing their places in
 ‘ Parliament, but also, as we humbly conceive,
 ‘ strike at the very root of government ; it being
 ‘ necessary to all governments to have freedom of
 ‘ votes and debates in those who have power to alter
 ‘ and make laws ; *and besides the express words of*
 ‘ *this bill, obliging every man to abjure all endeavours*
 ‘ *to alter the government in the church, without*
 ‘ *regard to any thing that rules of prudence in the*
 ‘ government, or christian compassion to protestant
 ‘ dissenters, or the necessity of affairs at any time,

‘ shall or may require ; upon these considerations,
 ‘ we humbly conceive it to be of dangerous conse-
 ‘ quence to have any bill of this nature so much as
 ‘ committed, and do enter our dissents from that
 ‘ vote, and protestation against it.

Buckingham.	Bristol.	Shaftsbury.
Winton.	Howard of Berks.	Wharton.
Salisbury.	Clarendon.	Mobun.
Denbigh.	Stamford.	De la Mer.

Which protestation was no sooner entred and sub-
 scribed the next day, but the great officers and Bi-
 shops raised a storm against the Lords that had sub-
 scribed it : endeavouring not only some severe pro-
 ceedings against their persons, if they had found
 the house would have born it, but also to have taken
 away *the very liberty of entring protestations with rea-*
sons ; but that was defended with so great ability,
 learning, and reason by the Lord *Hollis*, that they
 quitted the attempt, and the debate ran for some
 hours either wholly to raze the protestation out of
 the books, or at least some part of it, the expres-
 sion of *christian compassion to protestant dissenters* being
 that which gave them most offence ; but both these
 ways were so disagreeable to the honour and privi-
 lege of the house, and the latter to common sense

and right, that they despaired of carrying it, and contented themselves with having voted, *That the reasons given in said protestation did reflect upon the honour of the house, and were of dangerous consequence.*

And I cannot here forbear to mention the *worth and honour of that noble Lord Hollis*, suitable to all his former life, that when the debate was at the heighth, and the protesting Lords in danger of the *Tower*, he begged the house to give him leave to put his name to that *protest*, and take his fortune with those Lords, because his sickness had forced him out of the house the day before; so that not being at the question, he could not by the rules of the house, sign it. This vote against those twelve Lords begat the next day this following *protestation* sign'd by 21.

Whereas it is the undoubted privilege of each
 Peer in Parliament, when a question is past con-
 trary to his vote and judgment, to enter his pro-
 testation against it, and that in pursuance thereof,
 the bill entitled, *an act to prevent the dangers which*
may arise from persons disaffected to the government,
 being conceived by some Lords to be of so dan-
 gerous a nature, as that it was not fit to receive
 the countenance of a commitment; those Lords
 did protest against the commitment of said bill:
 And the house having taken exceptions at some ex-
 pressions in their protestation, those Lords, who were
 present at the debate, did all of them severally
 and voluntarily declare, That they had no inten-
 tion to reflect upon any member, much less upon
 the whole house, which, as is humbly conceived,
 was more than in strictness did consist with that
 absolute freedom of protesting, which is insepa-
 rable from every member of this house, and was
 done by them merely out of their great respect
 to the house, and their earnest desire to give all
 satisfaction concerning themselves, and the clear-
 ness of their intentions: yet the house not satis-
 fied with this their declaration, but proceeding to
 a vote,

‘ a vote, that the reasons given in the said protes-
 ‘ tation do reflect upon the honour of the house,
 ‘ and are of dangerous consequence; which is in our
 ‘ humble opinion, a great discountenancing of the
 ‘ very liberty of protesting, We, whose names
 ‘ are under-written, conceiving our selves and the
 ‘ whole house of Peers extremely concerned that
 ‘ this great wound should be given (as we humbly
 ‘ apprehend) to so essential a privilege of the
 ‘ whole peerage of this realm, as their liberty of
 ‘ protesting, do now (according to our unquesti-
 ‘ onable right) make use of the same liberty to
 ‘ enter this our dissent from, and protestation a-
 ‘ gainst the said vote.

*Bucks.**Berks.**Fitzwater.**Winton.**Clarendon.**Eure.**Bedford.**Ailsbury.**Wharton.**Dorset.**Shaftsbury.**Mobun.**Salisbury.**Say and Seal.**Hollis.**Bridgewater.**Hallifax.**De la Mer.**Denbigh.**Audley.**Grey Roll.*

After this bill being committed to a committee of
 the whole house, the first thing insisted upon by the
 Lords against the bill, was, that there ought to be
 passed some previous *votes* to secure the rights of
Peerage and privilege of *Parliament*, before they
 entred upon the debate or amendments of such a
 bill as this; and at last two *previous votes* were ob-
 tained, which I need not here set down, because the
 next protestation hath them both in *terminis*.

Whereas upon debate on the bill, entitled, *An act*
to prevent the dangers which may arise from persons dis-
affected to the government, It was ordered by the
 house of Peers the 30th of *April* last, that no oath
 should be imposed by any bill or otherwise upon the Peers
 with a penalty in case of refusal, to lose their places, or
 votes in *Parliament*, or liberty to debate therein; and

whereas also, upon debate of the same, it was ordered the third of this instant *May*, that there shall be nothing in this bill, which shall extend to deprive either of the houses of Parliament, or any of their members, of their just, ancient freedom and privilege of debating any matter or business, which shall be propounded or debated in either of the said houses, or at any conference or committee of both, or either of *the said houses of Parliament*; or touching the repeal, or alteration of any old, or preparing any new laws, or redressing any public grievance; but that the said members of either of the said houses, and the assistants of *the house of Peers*, and every of them shall have the same freedom of speech, and all other privileges whatsoever, as they had before the making of this act. Both which orders were passed as previous directions unto the committee of the whole house, to whom the said bill was committed, to the end that nothing should remain in the said bill, which might any ways tend towards the depriving of either of the houses of Parliament, or any of their members, of their ancient freedom of debates, or votes, or other their privileges whatsoever. Yet the house being pleased, upon the report from the committee, to pass a vote, That all persons who have, or shall have right to sit and vote in either house of Parliament, should be added to the first enacted clause in the said bill, whereby an oath is to be imposed upon them as members of either house; which vote *We whose names are underwritten, being Peers of the realm, do humbly conceive, is not agreeable to the said two previous orders*: and it having been humbly offered and insisted upon by divers of us, that the proviso in the late act entitled, *an act for preventing dangers that may happen from popish recusants*, might be added to the bill depending, whereby the Peerage of every Peer of this realm, and all their privileges, might be preserved in this bill, as fully as in the said late act; yet the house not pleasing
to

to admit of the said *proviso*, but, proceeding to the passing of said vote, *We do humbly upon the grounds aforesaid, and according to our undoubted right, enter this our dissent from, and protestation against the same.*

<i>Bucks.</i>	<i>Stamford.</i>	<i>Wharton.</i>
<i>Bedford</i>	<i>Clarendon.</i>	<i>Eure.</i>
<i>Winton.</i>	<i>Denbigh.</i>	<i>De la Mer.</i>
<i>Salisbury.</i>	<i>Dorset.</i>	<i>Pagitt.</i>
<i>Berks.</i>	<i>Shaftsbury.</i>	<i>Mobun.</i>
<i>Bridgewater.</i>		

This was their last protestation ; for after this they altered their method, and reported not the votes of the committee, and parts of the bill to the house, as they past them, but took the same order as is observed in other bills, not to report unto the house, until they had gone through with the bill, and so report all the amendments together : This they thought a way of more dispatch, and which did prevent all protestations, until it came to the house ; for the votes of a committee, tho' of the whole house, are not thought of that weight, as that there should be allowed the entring a dissent from them, or protestation against them.

The bill being read over at a committee, the Lord-Keeper objected against the form of it, and desired that he might put it in another method ; which was easily allow'd him, that not being the dispute. But it was observable the hand of *God* was upon them in this whole affair ; their chariot wheels were taken off, they drew heavily : A bill so long designed, prepared, and of that moment to all their affairs, had hardly a sensible composure.

The first part of the bill that was fallen upon was, whether there should be an oath at all in the bill ; and this was the only part the court-party defended with reason. For the whole bill being to enjoin an oath,

oath, the house might reject it, but the committee was not to destroy it. Yet the Lord *Hallifax* did with that quickness, learning, and elegance, which are inseparable from all his discourses, make appear that *as there really was no security to any state by oaths*, so also no private person, much less statesman, would ever order his affairs as relying on it; no man would ever sleep with open doors, or unlock'd up treasure or plate, should all the town be sworn not to rob: So that the use of multiplying oaths had been most commonly to exclude or disturb some honest conscientious men, who would never have prejudiced the government. It was also insisted upon by that Lord and others, that the oath imposed by the bill contained three clauses, the two former assertory, and the last promissory; and that it was worthy the consideration of the Bishops, whether *assertory oaths*, capable to be fully assured by the evidence of his senses, be lawfully to be made use of to confirm and invalidate doctrinal propositions; and whether that legislative power which imposeth such an oath, doth not necessarily assume to itself an infallibility; and, as for *promissory oaths*, it was desired that those learned prelates would consider the opinion of *Grotius de Jure Belli & Pacis, lib. 2. 13.* who seems to make it plain, that those kind of oaths are forbidden by our *Saviour Christ, Mat. v. 34. 37.* and whether it would not become the fathers of the Church, when they have well weighed that and other Places of the *New Testament*, to be more tender in multiplying oaths, than hitherto the great men of the church have been? But the Bishops carried the point, and the oath was ordered by the major vote.

The next thing in consideration, was about the persons that should be enjoined to take this oath; and those were to be *all such as enjoyed any beneficial office or employment, ecclesiastical, civil, or military*; and no farther went the debate for some hours, until at last the Lord Keeper rises up, and with an eloquent

quent oration, desires to add *Privy counsellors, Justices of the peace, and members of both houses*; the two former particularly mentioned only to usher in the latter, which was so directly against the two previous votes; the first of which was enrolled amongst the standing orders of the house, that it wanted a man of no less assurance in his eloquence to propose it; and he was driven hard, when he was forced to tell the house, that they were *masters of their own orders*, and interpretation of them.

The next consideration at the committee, was the oath it self; and it was desired by the country Lords that it might be clearly known, whether it were meant all for an oath, or some of it for a declaration, and some an oath? If the latter, then it was desired it might be distinctly parted, and that the declaratory part should be subscribed by it self, and not sworn. There was no small pains taken by the Lord Keeper and that party, to prove that as it was brought in, the two first parts were only a declaration and not an oath: And tho' it was replied, that to declare upon one's oath, or to abhor upon one's oath, is the same thing with, *I do swear*, yet there was some difficulty to obtain the dividing of them, and that the declaratory part should be only subscribed, and the rest sworn to.

The Persons being determined, and this division agreed to, the next thing was the parts of the declaration, wherein the first was, *I A. B. do declare, that it is not lawful, upon any pretence whatsoever, to take up arms against the King*. This was liable to great objections; for it was said, it might introduce a great change of the government, to oblige all the men in great trust in *England* to declare, that exact boundary and extent of the oath of allegiance, and enforce some things to be stated that are much better involved in generals, and peradventure are not capable of another way of expression, without great wrong on the one side or the other. There is
a law

a law of 25 *Edw.* III. that arms shall not be taken up against the King, and that it is treason to do so ; and it is a very just and reasonable law : But it is an idle question at best, to ask whether arms in any case can be taken up against a lawful Prince, because it necessarily brings in the debate in every man's mind, how there can be a distinction then left between absolute and bounded monarchies, if Monarchs have only the fear of God, and no fear of human resistance to restrain them. And it was farther urged, that if the chance of human affairs, in future ages, should give the *French* King a just title and investiture in the crown of *England*, and he should avowedly own a design by force to change the religion, and make his government here as absolute as in *France*, by the extirpation of the nobility, gentry, and principal citizens of the protestant party ; whether in such, or like cases, this declaration be a service to the government, as it is now established : Nay, and it was farther said, that they overthrow the government that propose to place any part of it above the fear of man : For in our *English* government and all bounded monarchies, where the Prince is not absolute, there every individual subject is under the fear of the King and his people, either for breaking the peace, or disturbing the common interest that every man hath in it ; or if he invades the person or right of his Prince, he invades his whole people, who have bound up in him, and derive from him, all their liberty, property, and safety ; as also the Prince himself is under the fear of breaking that golden chain and connexture between him and his people, by making his interest contrary to that they justly and rightly claim : And therefore neither our ancestors nor any other country, free like ours, whilst they preserved their liberties, did ever suffer any *mercenary or standing guards to their Prince*, but took care that his safety should be in them, as theirs was in him. Tho' these were the objections to

to this head, yet they were but lightly touched, and not fully insisted upon, until the debate of the second head, where the scope of the design was opened clearer, and more distinct to every man's capacity.

The second was, *and that I do abhor that traiterous position, of taking arms by his authority against his person.* To this was objected, that if this be meant an explanation of the oath of allegiance, to leave men without pretence to oppose where the individual person of the King is, then it was to be considered, that the position, as it is here set down, is universal; and yet in most cases, the position is not to be abhorred by honest or wise men: For there is but one case, and that never like to happen again, wherein this Position is in danger to be traiterous, which was the case of the long Parliament, made perpetual by the King's own act, by which the government was perfectly altered, and made inconsistent with it self; but it is to be supposed the crown hath sufficient warning, and full power to prevent the falling again into that danger. But the other cases are many, and such as may every day occur, wherein this position is so far from traiterous, that it would prove both necessary and our duty. The famous instance of *Hen. VI.* who being a soft and weak Prince, when taken prisoner by his cousin *Edward IV.* that pretended to the crown, and the great Earl of *Warwick*, was carried in their armies, gave what orders and commissions they pleased, and yet all those that were loyal to him, adhered to his wife and son, fought in a picht battle against him in person, and retook him: This was directly taking up arms by his authority against his person, and against those that were commissioned by him; and yet to this day no man hath ever blamed them, or thought but that if they had done otherwise, they had betrayed their Prince. The great case of *Charles* the sixth of *France*, who being of a weak and crazy brain, yet governed by himself, or rather by his wife, a woman

man of passionate and heady humour, that hated her son the Dauphin, a vigorous and brave Prince, and passionately loved her daughter; so that she easily (being pressed by the victory of *Henry* the fifth of *England*) complied to settle the crown of *France* upon him, to marry her daughter to him, and own his right, contrary to the salique law. This was directly opposed with arms and force by the Dauphin, and all good *Frenchmen*, even in his father's life-time. A third instance is that of King *James*, of blessed memory, who when he was a child, was seized and taken prisoner by those, who were justly thought no friends to his crown or safety; and if the case should be put, that a future King of *England* of the same temper with *Hen. VI.* or *Cha. VI.* of *France*, should be taken prisoner by *Spaniard*, *Dutch*, or *French*, whose over-growing power should give them thoughts of vast empire, and should, with the person and commission of the King invade *England* for a conquest, were it not suitable to our loyalty to join with the son of that King, for the defence of his father's crown and dignity, even against his person and commission? In all these and the like cases, it was not justified, but that the strict letter of the law might be otherwise construed, and when wisely considered, fit it should be so; yet that it was not safe either for the kingdom or person of the King and his crown, that it should be in express words sworn against; for if we shall forswear all distinctions which ill men have made ill use of, either in rebellion or heresy, we must extend the oath to all particulars of divinity and politicks. To this the aged Bishop of *Winchester* replied, that *to take up arms in such cases, is not against, but for the person of the King*: But his lordship was told, that he might then as well, nay much better, have left it upon the old oath of allegiance, than made such a wide gap in his new declaration.

The third and last part of the declaration was, *or against those that are commissioned by him.* Here the mask was plainly plucked off, and arbitrary government appeared bare-faced, and a standing army to be established by act of Parliament; for it was said by several of the Lords, *that if whatever is by the King's commission, be not opposed by the King's authority, then a standing army is law whenever the King pleases.*

For instance, if in suit with a great favourite, a man recovers house and lands, and by course of law be put into possession by the Sheriff, and afterwards a warrant is obtained by the interest of the person, to command some soldiers of the standing army to take the possession, and deliver it back; in such case, the man in possession may justify the defending himself, and killing those who shall violently endeavour to enter the house, yet the party whose house is invaded takes up arms by the King's authority against those who are commissioned by him. And it is the same case, if the soldiers had been commissioned to defend the house against the Sheriff, when he first endeavoured to take the possession according to law, neither could any order or commission of the King put a stop to the Sheriff, if he had done his duty in raising the whole force of that county to put the law in execution; neither can the court, from whom that order proceeds (if they observe their oath and duty) put any stop to the execution of the law in such a case, by any command or commission from the King whatsoever; nay, all the guards and standing forces in *England* cannot be secured by any commission from being a direct riot, and unlawful assembly, unless in time of open war and rebellion. And it is not out of the way to suppose, that if any King hereafter shall, contrary to the *petition of right*, demand and levy money by privy-seal, or otherwise, and cause soldiers to enter and distrain for such like illegal taxes, that in such a
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case any man may by law defend his house against them ; and yet this is of the same nature with the former, and against the words of the declaration. These instances may seem somewhat rough, and not with the usual reverence towards the crown ; but they alledged, they were to be excused, when all was concerned : And without speaking thus plain, it is refused to be understood ; and, however happy we are now, either in the present Prince, or those we have in prospect, yet the suppositions are not extravagant, when we consider Kings are but men, and compassed with more temptations than others ; and, as the Earl of *Salisbury*, who stood like a rock of nobility, and *English* principles, excellently replied to the Lord Keeper, who was pleased to term them remote instances, that they would not hereafter prove so, when this declaration had made the practice of them justifiable.

These arguments enforced the Lords for the bill to a change of this part of the declaration, so that they agreed the second and third parts of it should run thus : *And I do abhor that traiterous position of taking Arms by his authority against his person, or against those that are commissioned by him according to law, in the time of rebellion or war, acting in pursuance of such commission ;* which mends the matter very little : For, if they mean the King's authority, and his lawful commission, to be two things, and such as are capable of opposition, then it is as dangerous to the liberties of the nation, as when it run in the former words, and we only cheated by new phrasing of it : But if they understood them to be one and the same thing, as really and truly they are, then we are only to abhor the treason of the position of taking arms by the King's authority against the King's authority, because it is nonsense, and not practicable ; and so they had done little but confessed, that all the clergy, and many other persons, have been forced, by former acts of this present Parliament,

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ment, to make this declaration in other words, that now are found so far from being justifiable, that they are directly contrary to *magna charta*, our properties, and the established law and government of the nation.

The next thing in course was the oath it self, against which the objection lay so plain, and so strong at the first entrance, *viz.* That *there was no care taken of the doctrine, but only the discipline of the church.* The papists need not scruple the taking this oath ; for episcopacy remains in its greatest lustre, though the popish religion was introduced ; but the King's supremacy is justled aside by this oath, and makes better room for an ecclesiastical one, in so much that, with this and much more, they were enforced to change their oath, and next day bring it in as followeth ; *I do swear that I will not endeavour to alter the protestant religion, or the government either of church or state.* By this they thought they had salved all, and now began to call their oath, *A security for the protestant religion, and the only good design to prevent popery*, if we should have a popish Prince. But the country Lords wondered at their confidence in this, since they had never thought of it before, and had been but the last preceding day of the debate by pure shame compelled to this addition ; for it was not unknown to them, that some of the Bishops themselves had told some of the *Roman* catholick Lords of the house, that *care had been taken it might be such an oath, as might not bear upon them* : But let it be whatever they would have it, yet the country Lords thought the addition was unreasonable, and of as dangerous consequence as the rest of the oath ; and it was not to be wondered at, if the addition of the best things, wanting the authority of an expresse divine institution, should make an oath not to endeavour to alter, just so much worse by the addition. For as the Earl of Shaftsbury very well urged, that it is a far different thing to

believe, or to be fully persuaded of the truth of the doctrine of our church, and to swear *never to endeavour to alter*; which last must be utterly unlawful, unless you place an infallibility either in the church or your self; you being otherwise obliged to alter, whenever a clearer or better light comes to you; and he desired leave to ask, where are the boundaries, or where shall we find how much is meant by the protestant religion? The Lord Keeper thinking he had now got an advantage, with his usual eloquence, desires it might not be told in *Gath*, nor published in the street of *Askelon*, that a Lord of so great parts and eminence, and professing himself for the church of *England*, should not know what is meant by the protestant religion. This was seconded with great pleasantness by divers of the Lords the Bishops; but the Bishop of *Winchester*, and some others of them, were pleased to condescend to instruct that Lord, that the protestant religion was comprehended in thirty nine articles, the liturgy, the catechism, the homilies, and the canons. To this the Earl of *Shaftsbury* replied, that he begged so much charity of them as to believe, that he knew the protestant religion so well, and was so confirmed in it, that he hoped he should burn for the witness of it, if Providence should call him to it; but perhaps he might think some things not necessary, that they counted essential; nay, he might think some things not true, or agreeable to the scripture, that they might call doctrines of the church: Besides, when he was to swear *never to endeavour to alter*, it was certainly necessary to know how far the just extent of this oath was; but since they had told him that the protestant religion was in those five tracts, he had still to ask, whether they meant those whole tracts were the protestant religion, or only that the protestant religion was contained in them? If they meant the former of these, then he was extremely in the dark, to find the doctrine of predestination,
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in the 18th and 17th articles, to be owned by so few great doctors of the church, and to find the 19th article to define the church directly as the independents do. Besides, the 20th article stating the authority of the church is very dark, and either contradicts it self, or says nothing, or what is contrary to the known laws of the land. Besides, several other things in the xxxix articles have been preached and writ against, by men of great favour, power and preferment in the church.

He humbly conceived the liturgy was not so sacred, being made by men the other day, and thought to be more differing from the *dissenting protestants*, and less easy to be complied with, upon the advantage of a pretence well known unto us all, of making such alterations as might the better unite us; instead whereof, there is scarce one alteration but *widens* the breach: And no ordination allow'd by it here, (as it now stands last reformed in the act of uniformity) but what is episcopal; in so much that a popish priest is capable, when converted, of any church preferment without re-ordination; but no protestant minister not episcopally ordained, but is required to be re-ordained; as much as in us lies, unchurching all the foreign protestants that have not Bishops; though the contrary was both allowed and practised from the beginning of the reformation, till the time of that act, and several Bishops made of such as were never ordained Priests by Bishops. Moreover the uncharitableness of it was so much against the interest of the crown and church of *England*, (casting off the dependency of the whole protestant party abroad) that it would have been bought by the Pope and *French* King, at a vast sum of money; and it is difficult to conceive so great an advantage fell to them merely by chance, and without their help. So that he thought, to endeavour to alter, and restore the *liturgy* to what it was in *Queen Elizabeth's* days, might consist with his being a very good protestant.

As to the *Catechism*, he really thought it might be mended, and durst declare to them, it was not well that there was not a better made.

For the *Homilies*, he thought there might be a better book made; and the third *homily*, of *repairing and keeping clean of churches*, might be omitted.

What is yet stranger than all this, the canons of our church are directly the old *popish canons*, which are still in force, and no other; which will appear, if you turn to the *Stat. 25. Hen. VIII. cap. 19.* confirmed and revived by 1 *Eliz.* where all those canons are established, untill an alteration should be made by the King in pursuance of that act: Which thing was attempted by *Edward* the sixth, but not perfected, and let alone ever since; for what reasons the Lords Bishops could best tell. And it was very hard to be obliged by oath *not to endeavour to alter* either the *English* common-prayer-book, or the canon of the mass.

But if they meant the latter, *that the protestant religion is contained in all those, but that every part of those is not the protestant religion*, then he apprehended it might be in the Bishops power to declare, *ex post facto*, what is the protestant religion or not, or else they must leave it to every man to judge for himself, what part of those books are or are not, and then their oath had been much better let alone.

Much of this nature was said by that Lord and others; and the great Officers and Bishops were so hard put to it, that they seemed convinced, and willing to admit of *an expedient*.

The Lord *Wharton*, an old and expert Parliament-man of eminent piety and abilities, beside a great friend to the protestant religion, and interest of *England*, offered as a cure to the whole oath, and what might make it pass in all the three parts of it, without any farther debate, the addition of these words at the latter end of the oath, *viz. As the same is or shall be established by act of Parliament.* But this was not endured at all; when the Lord *Grey of Rolston*,
a worthy

a worthy and true *English* Lord, offered another expedient, which was the addition of these words, *by force or fraud*, to the beginning of the oath; and then it would run thus, *I do swear not to endeavour by force or fraud to alter*; this was also a cure that would have passed the whole oath, and seemed as if it would have carried the whole house, the Duke of *York* and Bishop of *Rocheſter*, both ſeconding it; but the Lord Treasurer, who had privately before conſented to it, ſpeaking againſt it, gave the word and ſign to that party, and it being put to the queſtion, the major vote answered all arguments, and the Lord *Grey's* propoſition was laid aſide.

Having thus carried the queſtion, lying upon their ſtrength of votes, taking advantage that thoſe expedients, that had been offered, extended to the whole oath, though but one of three clauſes in the oath had been debated, the other two not mentioned at all; they attempted ſtrongly, at nine of the clock at night, to have the whole oath put to the queſtion; and tho' it was reſolutely oppoſed by the Lord *Mobun*, a Lord of great *courage* and *reſolution* in the publick intereſt, and one whoſe own perſonal merits, as well as his father's, gave him a juſt title to the beſt favours of the court; yet they were not diverted but by as great a diſorder as ever was ſeen in that houſe, proceeding from the rage, thoſe unreaſonable proceedings had cauſed in the country Lords; they ſtanding up in a lump together, and crying out with ſo loud a continued voice, *adjourn*, that when ſilence was obtained, fear did, what reaſon could not do, cauſe the queſtion to be put only upon the firſt clauſe concerning the proteſtant religion, to which the Biſhops deſired might be added, *as it is now eſtabliſhed*; and one of the eminenteſt of thoſe that were for the bill, added the words *by law*; ſo that as it was paſſed, it ran.

I A. B. do swear, that I will not endeavour to alter the protestant religion, now by law established in the church of England.

And here observe, the words *by law* do directly take in the *canons*, though the Bishops had never mentioned them. And now comes the consideration of the latter part of the oath, which comprehends these two clauses, *viz. Nor the government either in church or state*. Wherein the church came first to be considered. And it was objected by the Lords against the bill, *that it was not agreeable to the King's crown and dignity, to have his subjects sworn to the government of the church equally as to himself*: That for the Kings of *England* to swear to maintain the Church, was a different thing from enjoining all his officers, and both his houses of Parliament to swear to them. It would be well understood, before the bill passed, what the *government of the church* (we are to swear to) is, and what the boundaries of it; whether it derives no power nor authority, nor the exercise of any power, authority, or function, but from the *King, as head of the church*, and from *God, as through him*, as all his other officers do.

For no church or religion can justify it self to the government, but the state religion, that owns an entire dependency on, and is but a branch of it; or the independent congregations, whilst they claim no other power, but the exclusion of their own members from their particular communion; and endeavour not to set up a kingdom of Christ to their own use in this world, whilst our Saviour hath told us, that his kingdom is not of it; for otherwise there would be *imperium in imperio*, and two distinct supreme powers inconsistent with each other, in the same place, and over the same persons. The Bishops alledged, that *priest-hood*, and the power thereof, and the authorities belonging thereunto, were

were derived immediately from Christ; but that the *licence of exercising that authority* and power in any country is derived from the *civil magistrate*. To which was replied, ‘ That it was a dangerous
‘ thing to secure, by oath and act of Parliament,
‘ those in the exercise of an authority and power in
‘ the King’s country, and over his subjects, which,
‘ being received from Christ himself, cannot be al-
‘ tered or limited by the King’s laws: And that this
‘ was directly to set the *Mitre above the Crown*.’ And it was farther offered, that *this oath was the greatest attempt that had been made against the King’s supremacy, since the reformation*; for the King in Parliament may alter, diminish, enlarge or take away any Bishoprick: He may take any part of a diocese, or a whole diocese, and put them under Deans, or other persons; for if this be not lawful, but that Episcopacy should be *Jure Divino*, the maintaining the government as it is now is unlawful; since the Deans of *Hereford* and *Salisbury* have very large tracts under their jurisdiction, and several Parsons of parishes have episcopal jurisdiction; so that at best, that government wants alteration that is so imperfectly settled. The Bishop of *Winchester* affirmed in this debate several times, that there was no christian church before *Calvin* that had not Bishops; to which he was answered, that the *Albigenses*, a very numerous people, and the only visible known church of true believers, of some ages, had no Bishops. It is very true what the Bishop of *Winchester* replied, that they had some amongst them, who alone had power to ordain, but that was only to commit that power to the wisest, and gravest men amongst them, and to secure ill and unfit men from being admitted into the ministry; but they exercised no jurisdiction over the others. And it was said by divers of the Lords, that they thought episcopal government best for the church, and most suitable to the monarchy; but they must say, with the Lord

of *Southampton*, (upon the occasion of this oath in the Parliament of *Oxford*) *I will not be sworn not to take away Episcopacy*; there being nothing that is not of divine precept, but such circumstances may come in human affairs as may render it not eligible by the best of men. And it was also said, *that if Episcopacy be to be received as by divine precept, the King's supremacy is overthrown*; and so is also the opinion of the Parliaments both in *Edward* the sixth, and *Queen Elizabeth's* time, and the constitution of our church ought to be altered, as hath been shewed. But the church of *Rome* it self hath contradicted that opinion, when she hath made such vast tracts of ground, and great numbers of men exempt from Episcopal jurisdiction. The Lord *Wharton*, upon the bishops claim to a divine right, asked a very hard question, *viz. Whether they then did not claim, withal, a power of excommunicating their Prince?* which they evading to answer, and being pressed by some other Lords, said, they never had done it. Upon which the Lord *Hallifax* told them, ‘ that
‘ that might well be; for since the Reformation, they
‘ had hitherto had too great a dependence on the
‘ crown to venture on that or any other offence
‘ to it.

And so the debate passed on to the third clause, which had the same exceptions against it with the two former, of being unbounded, how far any man might meddle and how far not, and is of that extent, that it *overthrew all Parliament*, and left them capable of nothing but giving money. For what is the business of Parliaments but the alteration, either by adding, or taking away, of some part of the Government, either in church or state? And every new act of Parliament is an alteration; and what kind of government in church and state must that be, which I must swear upon no alteration of time, emergency of affairs, nor variation of human things, ever to endeavour to alter? Would it
not

not be requisite that such a Government should be given by God himself, and that with all the ceremony of thundering and lightening, and visible appearance to the whole people, which God vouchsafed to the children of *Israel at Mount Sinai*? And yet you shall no where read that they were sworn to it by an Oath like this; nay, on the contrary, the Princes and the rulers, even those recorded for the best of them, did make several variations. The Lord *Stafford*, a nobleman of great honour and candour, but who had been all along for the bill, yet was so far convinced with the debate, that he freely declared, there ought to be an addition to the oath, for preserving the freedom of debates in Parliament. This was strongly urged by the never to be forgotten Earl of *Bridgewater*, who gave reputation and strength to this *cause of England*, as did also those worthy Earls, *Denbigh*, *Clarendon*, and *Ailsbury*, men of great worth and honour. To salve all that was said by these and the other Lords, the Lord Keeper and the Bishops urged, that there was a proviso, which fully preserved the privileges of Parliament; and upon farther enquiry, there appearing none such, but only a previous vote as it is before mentioned, they allowed that that previous vote should be drawn into a proviso, and added to the bill, and then, in their opinion, the exception to the Oath for this cause was perfectly removed. But on the other side it was offered, that a positive absolute Oath being taken, a proviso in the act could not dispense with it, without some reference in the body of the Oath unto that proviso; but this also was utterly denied until the next day, the debate going on upon other matters, the Lord Treasurer, whose authority easily obtained with the major vote, re-assumed what was mentioned in the debates of the preceding days, and allowed a reference to the proviso, so that it then passed in these words,

I A. B. do swear, that I will not endeavour to alter the protestant religion, now by law established in the church of England, nor the Government of the kingdom in church or state as it is now by law established; and I do take this oath according to the meaning of this act, and the proviso contained in the same. So help me God.

There was a passage of the very greatest Observation in the whole debate, and which with most clearness shewed what the great men and Bishops aimed at, and should in order have come in before, but that it deserved so particular a consideration, that I thought best to place it here by itself; which was, that upon passing of the proviso for preserving the rights and privileges of parliaments, made out of the previous Votes,

Observation
of Lord Bul-
lingbroke.

It was excellently observed by the Earl of *Bullingbroke*, a man of great ability and learning in the laws of the land, and perfectly stedfast in all good *English* principles, that *though that proviso did preserve the freedom of debates and votes in Parliament, yet the Oath remained notwithstanding that proviso*, upon all men that shall take it, as a prohibition, either by speech, or writing, or address, to endeavour any alteration in religion, church, or state; nay, also upon the members of both houses otherwise than as they speak and vote in open Parliament or committees: For this Oath takes away all private converse upon any such affairs even one with another. This was seconded by the Lord *De la Mere*, whose name is well known, as is also his worth, piety, and learning; I should mention his merits too, but I know not whether that be lawful, they lying yet unrewarded. The Lord *Shaftsbury* presently drew up some words for preserving the same rights, privileges, and freedoms, which men now enjoy by the laws established; that so by a side wind we may not be

be deprived of the great liberty we enjoy as *English*, *men*, and desired those words might be inserted in that proviso before it pass'd. This was seconded by many of the forementioned Lords, and press'd upon those terms, that they desired not to countenance, or make in the least degree any thing lawful, that was not already so, but that they may not be deprived, by this dark way of proceeding, of that liberty which was necessary to them as men, and without which Parliaments would be rendered useless. Upon this all the great officers shew'd themselves, nay, the Duke of *Lauderdale* himself, though under the load of two addresses, opened his mouth, and together with the Lord Keeper, and the Lord Treasurer, told the committee in plain terms, that they intended, and designed to prevent caballing, and conspiracies against the Government; that they knew no reason why any of the King's officers should consult with Parliament men about Parliament business, and particularly mentioned those of the army, treasury, and navy; and when it was objected to them, that the greatest part of the most knowing gentry were either justices of the peace, or of the militia, and that this took away all converse, or discourse of any alteration, which was in truth of any business in Parliament, and that the officers of the navy and treasury might be best able to advise what should be fit in many cases; and withal none of their Lordships did offer any thing to salve the inconvenience of Parliament men being deprived of discoursing one with another, upon the matters that were before them. Besides it must be again remembred, that nothing was herein desired to be countenanced, or made lawful, but to preserve that, that is already Law, and avowedly justified by it; for without this addition to the proviso, the Oath rendered Parliaments but a snare, not a security to the people.

Yet to all this was answered sometimes with passion and high words, sometimes with jests and
raillery,

raillery, (the best they had) and at least the major vote answered all objections, and laid aside the addition tendered.

There was another thing before the finishing of the oath, which I shall here also mention, which was an additional oath tendered by the Marquis of *Winchester*, who ought to have been mentioned in the first and chiefest place, for his conduct and support in the whole debate, being an expert Parliament man, and one whose quality, parts, and fortune, and owning of good principles, concur to give him one of the greatest places, in the esteem of good men. The additional oath tendered was as followeth:

I *Do swear, that I will never by threats, injunctions, promises, advantages or invitation, by or from any person whatsoever, nor from the hopes or prospect of any gift, place, office, or benefit whatsoever, give my vote other than according to my opinion and conscience, as I shall be truly and really persuaded upon the debate of any business in Parliament. So help me God.*

This Oath was offered upon the occasion of swearing members of Parliament; and upon this score only, that if any new Oath was thought fit (which that noble Lord declared his own judgment perfectly against) this certainly was (all considerations and circumstances taken in) most necessary to be a part; and the nature of it was not so strange, if they considered the judges Oath, which was not much different from this. To this the Lord Keeper seemed very averse, and declared in a very fine speech, that it was an *useless Oath*; for all gifts, places and offices, were likeliest to come from the King, and no member of Parliament in either house could do too much for the King, or be too much of his side; and that men might lawfully and worthily have in their prospect such offices or benefits from him,

With

With this the Lords against the bill were in no terms satisfied, but plainly spoke out, *That men had been, might, and were likely to be, in either house, too much for the King, as they called it*; and that whoever did endeavour to give more power to the King, than the law and constitution of the government had given, especially if it tended to the introducing an absolute and arbitrary government, might justly be said to do too much for the King, and to be corrupted in his judgment by the prospect of advantages and rewards; tho' when it is considered, that every deviation of the crown towards absolute power lessens the King in the love and affection of his people, making him become less their interest, a wise Prince will not think it a service done him.

And now remains only the last part of the bill, which is the penalty, different according to the qualifications of the persons: *all that are or shall be Privy-Councillors, Justices of the peace, or possessors of any beneficial office, ecclesiastical, civil, or military, are to take the oath when summoned, upon pain of 500 l. and being made incapable of bearing office; the members of both houses are not made incapable, but liable to the penalty of 500 l. if they take it not.* Upon all which, the considerations of the debate were, that those officers and members of both houses are, of all the nation, the most dangerous to be sworn into a mistake, or change of the government; and that as to the members of both houses, the penalty of 500 l. was directly against the latter of the two previous votes: and although they had not applied the penalty of incapacity unto the members of both houses, because of the first previous vote in the case of the Lords; neither durst they admit of a proposition made by some of themselves, *that those that did not come up, and sit as members, should be liable to the taking the oath, or penalty until they did so*: Yet their ends were not to be compassed without invading the latter previous vote, and contrary to the rights

rights and privileges of Parliament, enforcing them, to swear, or pay 500*l.* every Parliament. And this they carried through with so strong a resolution, that having experienced their misfortunes in replies for several hours, not one of the party could be provoked to speak one word.

Though, besides the former arguments, it was strongly urged, that this oath ought not to be put upon Officers with a heavier penalty than the *Test* was in the act of the immediate preceding session against the papists; by which any man might sit down with the loss of his office, without being in danger of the penalty of 500*l.* And also that this act had a direct retrospect, (which ought never to be in penal laws) for this act punishes men for having an office without taking this oath, which office, before this law pass, they may now lawfully enjoy without it. Yet notwithstanding, it provides not a power, in many cases, for them to part with it, before this oath overtakes them. For the clause, *whoever is in office the 1st of September*, will not relieve a Justice of the peace, who being once sworn has it not in his own power to be left out of commission. And so might be instanced in several other cases. As also the members of the house of Commons have it not in their own power to be unchosen; and as to the Lords, they were subjected by it to the meanest condition of mankind, if they could not enjoy their birthright, without playing tricks suitable to the humour of every age, and being enforced to swear to every fancy of the present times. Three years ago it was *all liberty and indulgence*, and now it is *strict and rigid* conformity; and what it may be in some short time hereafter, without the spirit of prophesying, might be shrewdly guessed by a considering man.

This being answered with silence, the Duke of *Buckingham*, (whose quality, admirable wit, and unusual pains that he took all along in the debate again this bill, makes

makes me mention him in this place, as general of the party, and coming last out of the field,) made a speech late at night of eloquent and well placed nonsense, shewing how excellently well he could do both ways, and hoping that might do, when sense (which he often before used with the highest advantage of wit and reason) would not; but the Earl of *Wharton* readily apprehending the dialect, in a short reply put an end to the debate; and the major vote, *ultima ratio senatum, & conciliorum*, carried the question as the court and Bishops would have it.

This was the last act of this *Tragi-Comedy*, which had taken up sixteen or seventeen whole days debate, the house sitting many times till eight or nine of the clock at night, and sometimes till midnight; but the business of privilege between the two houses gave such an interruption, that this bill was never reported from the committee to the house. I have mentioned to you divers Lords, that were speakers, as it fell in the debate, but I have not distributed the arguments of the debate to every particular Lord. Now you know the speakers, your curiosity may be satisfied, and the Lords I am sure will not quarrel about the division. I must not forget to mention those great Lords, *Bedford, Devonshire* and *Burlington*, for the countenance and support they gave to the *English* interest. The Earl of *Bedford* was so brave in it, that he joined in three of the protests; so also did the Earl of *Dorset*, and the Earl of *Stamford*, a young nobleman of great hopes; the Lord *Eure*, the Lord *Viscount Say and Seal*, and the Lord *Pagitt*, in two; The Lord *Audely*, and the Lord *Fitz-water* in the third; and the Lord *Peter*, a nobleman of great estate, and always true to the maintenance of liberty and property, in the first: and I should not have omitted the Earl of *Dorset*, Lord *Audley*, and Lord *Peter* amongst the speakers: For I will assure you they did their parts excellently well. The *Viscount Hereford* was a steady
man

man among the country Lords; so also was the Lord *Townsend*, a man justly of great esteem and power in his country; and amongst all those that well know him the Earl of *Carnarvan* ought not to be mentioned in the last place; for he came out of the country on purpose to oppose the bill; stuck very fast to the country party, and spoke many excellent things against it. I dare not mention the *Roman Catholick Lords* and some others, for fear I hurt them; but thus much I shall say of the *Roman catholic* Peers, that if they were safe in their estates, and yet kept out of office, their votes in that house would not be most unsafe to *England* of any sort of men in it. As for the absent Lords, the Earl of *Rutland*, Lord *Sandys*, Lord *Herbert* of *Cherbury*, Lord *North*, and Lord *Crew*, ought to be mentioned with honour; having taken care their votes should maintain their own interest and opinion.

Thus, sir, you see the standard of the new party is not yet set up, but must be the work of another session, tho' it be admirable to me, how the King can be induced, to venture his affairs upon such weak counsels, and of so fatal consequences; for I believe it is the first time in the world, that ever it was thought adviseable after fifteen years of the highest peace, quiet, and obedience, that ever was in any country, that there should be a pretence taken up, and a reviving of former miscarriages, especially after so many promises and declarations, as well as acts of oblivion, and so much merit of the offending party, in being the instruments of the King's happy return, besides the putting so vast a number of the King's subjects in utter despair of having their crimes ever forgotten; and it must be a great mistake in councils, or worse, that there should be so much pains taken by the Court, to debase and bring low the house of Peers, if a *military government* be not intended by some. For the power of *peerage* and a *standing army* are like two buckets, the proportion that one goes down, the other exactly goes

goes up. And I refer you to the consideration of all the histories of our own, or any of our neighbour northern monarchies ; whether standing forces, military and arbitrary government, came not plainly in by the same steps whereby the nobility were lessened ; and whether, whenever they were in power and greatness, they permitted the least shadow of any of them : Our own country is a clear instance of it ; for though the *white rose* and the *red* changed fortune often, to the ruin, slaughter, and beheading of the great men of the other side, yet nothing could enforce them to secure themselves by a standing force. But I cannot believe that the King himself will ever design any such thing ; for he is not of a temper robust and laborious enough to deal with such a sort of men, or reap the advantages, if there be any, of such a government : And I think, he can hardly have forgot the treatment his father received from the officers of his army, both at *Oxford* and *Newark* ; 'twas an hard, but almost an even choice, to be the Parliament's prisoner, or their slave ; but I am sure the greatest prosperity of his arms could have brought him to no happier condition, than our King his son hath before him whenever he pleases. However this may be said for the honour of this session, that there is no Prince in Christendom hath, at a greater expence of money, maintained, for two months space, a nobler, or more useful dispute of the politics, mystery and secrets of government, both in church and state, than this hath been ; of which noble design no part is owing to any of the country Lords, for several of them begged at the first entrance into the debates, that they might not be engaged in such disputes, as would unavoidably produce divers things to be said, which they were willing to let alone. But I must bear them witness, and so will you, having read this, that they did their parts in it, when it came to it, and spoke plain, like *old English Lords*.

I shall conclude with what, upon the whole matter, is most worthy our consideration, that the *design is to declare us, first into another government more absolute and arbitrary than the oath of allegiance or old law knew, and then make us swear unto it,* as it is so established: And less than this the Bishops could not offer in requital to the crown for parting with its supremacy, and suffering them to be sworn equal with it self. Archbishop *Laud* was the first founder of this device. In his canons of 1640, you shall find an oath very like this, and a declaratory canon preceding, *That monarchy is of divine right*; which was also affirmed in this debate by our reverend prelates; and it is owned in print by no less men than Bishop *Usher* and Bishop *Sanderson*; and I am afraid it is the avowed opinion of much the greater part of our dignified Clergy. If so, I am sure they are the most dangerous sort of men alive, to our *English* government; and it is the first thing ought to be looked into, and strictly examined by our Parliaments; it is the leaven that corrupts the whole lump. For if that be true, I am sure monarchy is not to be bounded by human laws; and the eighth chapter of 1 *Samuel* will prove (as many of our divines will have it) the great charter of the royal prerogative; and our *Magna Charta*, that says *Our Kings may not take our fields, our vineyards, our corn, and our sheep*, is not in force, but void and null because against divine institution. And you have the riddle out, why some of the clergy are so ready to take themselves, and impose upon others, such kind of oaths as these: they have placed themselves and their possessions upon a better and surer bottom (as they think) than *Magna Charta*, and so have no more need of or concern for it. Nay, what is worse, they have trucked away the rights and liberties of the people, in this and all other countries wherever they have had opportunity; that they might be owned by the prince to be *Jure divino*,
and

and maintained in that pretension, by that absolute power and force they have contributed so much to put into his hands ; and that priest and prince may, like *Castor* and *Pollux*, be worshipped together as divine, in the same temple, by us poor lay subjects ; and that sense and reason, law, properties, rights, and liberties shall be understood as the oracles of those deities shall interpret or give signification to them, and never be made use of in the world to oppose the absolute and free will of either of them.

Sir, I have no more to say, but beg your pardon for this tedious trouble, and that you will be very careful to whom you communicate any of this.

Proceedings in the house of COMMONS, on an Appeal being brought in the house of LORDS, by Dr. SHIRLEY, against Sir JOHN FAGG, and others their Members ; May, 1675.
27 CAR. II.

Martis, 4 Maij, 1675.

SIR *John Fagg*, Bart. this day informing the house, that he was summon'd to appear to a Petition in the house of Lords, a Committe was thereupon appointed to search for precedents to that purpose.

Mercurij, 5 Maij.

Resolved, That a message be sent to the Lords to acquaint them that this house hath received information, that there is a petition of appeal depending before them, at the suit of *Thomas Shirley*, Esq; against Sir *John Fagg*, a member of this house ; to which petition he is, by order of the house of Lords, directed to answer on *Friday* next: And to desire the Lords to have a regard to the privileges of
I 2 this

this house ; and that Sir *Trevor Williams* do go up with the message to the Lords.

Sir *Trevor Williams* reports, that he had attended the Lords with the message of this house, concerning Sir *John Fagg* ; and that the Lords will return an answer by messengers of their own.

Veneris, 7 Maij.

A message from the Lords by Sir *William Beversham* and Sir *Samuel Clarke*.

Mr. Speaker,

TH E Lords have considered of the message received from the house of Commons, concerning privilege in the case of Sir *John Fagg*, and do return this answer, That the house of Commons need not doubt, but that the Lords will have a regard to the privilege of the house of Commons, as they have of their own.

Sabbati, 8 Maij.

A Committee was appointed to inspect the Lords journals, to see what entries are therein made against Sir *John Fagg*, a member of this house, and to report the same.

Mercurij, 12 Maij.

Dr. *Thomas Shirley* ordered to be sent for in custody, to answer his breach of the privileges of this house, in prosecuting a suit by petition of appeal in the Lords house, against Sir *John Fagg*, a member of this house, during the session and privilege of Parliament.

And a Committee is also to inspect the Lords journals, to see what hath been done in like cases ; and the said Sir *John Fagg* is ordered not to proceed,

or make any answer to the said appeal, without the licenc of this house.

Veneris, 14 Maij.

Sir *Thomas Lee* reports from the Committee appointed to inspect the journals of the house of Lords, and the entries therein, in the case between Dr. *Thomas Shirley* and Sir *John Fagg*, a member of this house, that the Committee had perused the journals of the Lords house, and found the entries to be as follow.

April, the 30th.

Thomas Shirley, Esq; presented a petition to the Lords.

Ordered, That the said Sir *John Fagg* may have a copy of the said petition and put in his answer thereunto, in writing, on *Friday* the 7th day of *May* next, at ten of the clock in the forenoon, if he thinks fit.

May, the 5th.

The Commons send a message by Sir *Trevor Williams*: The Knights, Citizens, and Burgeses of the house of Commons, in Parliament assembled, have been informed, that there is a petition of appeal depending before their Lordships, at the suit of *Thomas Shirley*, Esq; against Sir *John Fagg* a member of their house; to which petition he is, by their Lordships order, directed to answer, on *Friday* next, and desire their Lordships to take care of their privileges.

Answer. That this house have considered of their message, and will send an answer by messengers of their own.

Ordered, That the Committee for privileges do meet this afternoon to consider of the messages re-

ceived from the house of Commons this day, concerning *Thomas Shirley*, Esq; and Sir *John Fagg*, a member of the house, and search precedents in the case, and report to the house to-morrow morning.

May the 6th.

The Earl of *Berks* reported, that the Committee of privileges having met and considered of what was referred to them, in the case between *Thomas Shirley*, Esq; and Sir *John Fagg*, a member of the house of Commons, and the message from the house of Commons thereupon; have ordered him to report, that the Committee have found that the house did refer the business of Mr. *Hale* and Mr. *Slingsby*, upon the like message of the house of Commons, to the Committee of privileges; who did report to the house, that it is the undoubted right of the Lords in judicature, to receive and determine in time of Parliament, appeals from inferior courts, though a member of either house be concerned, that there may be no failure of justice in the land; and the house did agree with the Committee therein: And thereupon the Committee do humbly offer to their Lordships, upon this occasion, to take the same course, and to insist upon their just rights in this particular, which their Lordships will be pleased to signify to the house of Commons, in such manner as they shall think fit.

The house agreed with the Committee in this declaration, and ordered the same to be entered into the journal-book of this house as their declaration, viz.

‘ That it is the undoubted right of the Lords in
‘ judicature, to receive and determine, in time of
‘ Parliament, appeals from inferior courts, tho’ a
‘ member of either house be concerned, that there
‘ may be no failure of justice in the land.’

Then it was moved that the former answer sent to the house of Commons in the case of Mr. *Slingsby* and Mr. *Hale*, might be given now to the
house

house of Commons, in this case of Sir *John Fagg* ; and that the declaration and report agreed to this day, might be added to it.

The declaration aforesaid was read and the question being put, whether this shall be as a part of the answer to be given to the house of Commons? It was resolved in the negative.

The answer returned formerly to the house of Commons, in the case of Mr. *Slingby*, and Mr. *Hale*, was in these words ; *That the house of Commons need not doubt but that their Lordships will have a regard to the privileges of the house of Commons, as they have of their own.*

The question being put, whether this answer shall be now returned to the message from the house of Commons ? It was resolved in the affirmative.

May the 7th, it was sent accordingly.

Maij 7.

Whereas this day was appointed for Sir *John Fagg* to put in an answer to the petition and appeal of *Thomas Shirley*, Esq; depending in this house, if he thought fit ; the said Sir *John Fagg* appearing personally this day at the bar, and desiring longer time to put in an answer thereunto ;

It is thereupon ordered that the said Sir *John Fagg* hath hereby farther time given him for putting in his answer, till *Wednesday* next, being the 12th day of this instant *May*, at ten o'clock in the forenoon.

Maij 12.

Sir *John Fagg* put in his answer to the petition of Mr. *Shirley*. A debate arising thereupon, touching the privilege of their house,

Resolved, &c. That the appeal brought by Dr. *Shirley* in the house of Lords against Sir *John Fagg*, a member of this house, and the proceedings thereupon,

upon, is a breach of the undoubted rights and privileges of this house.

The house being informed, that the warrant of this house for taking of the said Dr. *Shirley* into custody, was forcibly taken away and detained from the serjeant at arms his deputy, attending this house, by the Lord *Mobun*: And the serjeant's deputy being called in and examined as to the matter of fact, gave this testimony;

That he found Dr. *Shirley* in the inner lobby of the house of Lords, and that he came to him and desired to speak with him, and acquainted him, that he had a warrant from the house of Commons to apprehend him, and desire to know whether he could shew him any reason to excuse him, that he might not serve the warrant on him: And that he likewise told him, that he would not execute the warrant on him in that place, but desired of him that he would go along with him freely: And that in case he would not, he would take his opportunity in another place.

And that the said Lord *Mobun* coming in, in the mean time, required him to shew his warrant; which he producing, the Lord *Mobun* laid hands on it, and held it so fast, that it was in danger of being torn; and that, therefore he was forced to part with it, and desiring to have it again, the Lord *Mobun* refused it, but carried the warrant into the house of Lords. That Dr. *Shirley* afterwards refused to go along with him, saying, that he was not then his prisoner; and that several persons interposing, the doctor escaped from him. And a debate arising thereupon,

Resolved, That a message be sent to the Lords to complain of Lord *Mobun*, for forcibly taking away and detaining the warrant of this house, from the deputy serjeant at arms, for taking of Dr. *Shirley* into custody; and to demand the justice of the Lords house against the said Lord *Mobun*.

And

And that the Lord *Antram* do go up to the Lords with the message.

Ordered, That Mr. Speaker do issue forth a new warrant to the serjeant at arms attending this house, for apprehending Dr. *Thomas Shirley*, to answer his breach of privilege, for prosecuting a suit by petition of appeal in the Lords house against Sir *John Fagg*, a member of this house, during the session and privilege of Parliament.

Sabbati, 15 Maij, 1675.

The Lord *Antram* reports from the Lords, that he had, in obedience to the commands of this house, attended the Lords, and delivered the message concerning the Lord *Mohun's* taking away, and detaining the warrant for apprehending Dr. *Shirley*, and that the Lords had returned this answer;

Gentlemen of the house of Commons,

THE Lords have considered of your message, and of the complaint therein; and they return you this answer, that they find the Lord *Mohun* hath done nothing but what is according to his Duty.

The house then resumed the debate of the matter concerning the privileges of this house; and the matter being debated,

Resolved, &c. That the appeal brought by Dr. *Shirley* in the house of Lords against Sir *John Fagg*, a member of this house, and the proceedings thereupon, is a breach of the undoubted rights and privileges of the house of Commons; and therefore the Commons desire, that there be no farther proceedings in that cause before their Lordships.

Ordered, That a conference be desired with the Lords concerning the privileges of this house, in the case of Sir *John Fagg*; and that Sir *Thomas Lee* do go up to the Lords to desire a conference.

A message from the Lords by Sir Mondeford Bramston, and Sir William Glascock.

Mr. Speaker,

WE are commanded to let this house know that the Lords spiritual and temporal, assembled in Parliament, have received a warrant, signed *Edward Seymour*, which they have appointed us to shew you; and desire to know, whether it be a warrant ordered by this house. The matter of the message being debated, the question being put, that the word *unparliamentary* be part of the answer to the Lords message, it passed in the negative.

Resolved, That the messengers be called in, and that this answer be returned, *that this house will consider of the message.*

The messengers being called in, *Mr. Speaker* does acquaint them, that the house will consider of the message.

Resolved, That the message last received from the house of Lords, is an *unparliamentary* message.

Resolved, That a conference be desired to be had with the Lords, upon the subject matter of the last message received from the house of Lords.

Resolved, That it be referred to *Mr. Garraway*, &c. to draw up reasons to be offered at the said conference.

Then the house being informed that there is a cause upon an appeal brought up by *Sir Nicholas Stoughton*, against *Mr. Onslow*, a member of this house, appointed to be heard at the bar of the Lords house;

Resolved, That a message be sent to the Lords to acquaint them, that this house has received information, that there is a cause upon an appeal brought by *Sir Nicholas Stoughton* against *Mr. Onslow* a member of this house, appointed to be heard at the bar of the house, on *Monday* next; and to desire their Lordships to have regard to the privileges of this house,

house, and that *Sir Richard Temple* do go up with the message to the Lords.

Ordered, That *Mr. Onslow* do not appear any farther in the prosecution of the appeal brought against him by *Sir Nicholas Stoughton*, in the house of Lords.

Ordered, That *Sir Nicholas Stoughton* be sent for in custody of the serjeant at arms attending this house, to answer his breach of privilege in prosecuting a suit in the house of Lords against *Arthur Onslow*, Esq; a member of this house, during the session and privilege of Parliament.

Resolved, That whosoever shall appear at the bar of the house of Lords, to prosecute any suit against any member of this house, shall be deemed a breaker and infringer of the rights and privileges of this house.

Lunæ, 17 Maij, 1675.

Sir Richard Temple reports, that the person appointed had attended the Lords, and delivered the vote of this house, concerning the appeal brought by *Dr. Shirley* against *Sir John Fagg*.

Sir Thomas Lee reports from the Committee appointed to draw up reasons for the conference to be had with the Lords, reasons agreed by the Committee; which are as follow, *viz.*

For that the message is by way of interrogatory upon the proceedings of the house of Commons in a case concerning the privilege of a member of that house, of which they are proper judges.

For that the matter of the message carries in it an undue reflection upon the Speaker of the house of Commons.

For that the matter of the message doth highly reflect upon the whole house of Commons, in their Lordships questioning that house concerning their own orders; which they have the more reason to apprehend,

apprehend, because the day before this message was brought to them, the warrant was owned by the complaint of the house of Commons to their Lordships, that the same was taken and detained from a servant of theirs, by a Peer; which imports, that the question in that message could not be for information only, and so tends to interrupt that mutual good correspondency, which ought to be preserved inviolably between the two houses of Parliament.

Martis, 18 Maij, 1675.

Sir *Richard Temple* reports from the Lords, that he had attended their Lordships, according to the command of this house, with the message in the case of Mr. *Onslow*, to which the Lords returned an answer, which being in writing, was delivered at the clerk's table, and read; and is as followeth.

The Lords do declare, *That it is the undoubted right of the Lords in judicature, to receive and determine in time of Parliament, appeals from inferior courts, though a member of either house be concerned, that there may be no failure of Justice in the land: And from this right, and the exercise thereof, their Lordships will not depart.*

The matter of the Lords answer being debated, *Resolved*, 'That it is the undoubted privilege of
' this house, that none of their members be sum-
' moned to attend the house of Lords, during the
' sitting or privilege of Parliament.'

Resolved, That a conference be desired with the Lords, upon the privileges of this house, contained in the Lords answer to the last message of this house, in the case of Mr. *Onslow*.

Ordered, That Sir *Henry Ford* do go up to the Lords, to desire a conference upon the subject matter of their message, concerning the warrant for apprehending Dr. *Shirley*.

Jovis, 20 Maij, 1675.

Sir *Thomas Lee* reports, from the committee appointed to draw up reasons to be offered at the conference to be had with the Lords upon the privileges of this house, contained in the Lords answer to the last message of this house, in the case of Mr. *Onslow*; which reasons were twice read, and with some alterations at the clerk's table, (upon the question severally put) agreed to; which are as follow, *viz.*

I. That by the laws and usage of Parliament, privilege of Parliament belongs to every member of the house of Commons, in all cases except treason, felony, and breach of the peace; which hath often been declared in Parliament, without any exception of appeals before the Lords.

II. That the reason of that privilege is, that the members of the house of Commons may freely attend the publick affairs of that house, without disturbance or interruption, which doth extend as well to appeals before the house of Peers, as to proceedings in other courts.

III. That by the constant course and usage of Parliament, no member of the house of Commons can attend the house of Lords, without the especial leave of that house first obtained, much less be summoned or compelled so to do.

IV. If the Lords shall proceed to hear and determine any appeal, where the party neither can, nor ought to attend, such proceedings would be contrary to the rules of Justice.

V. That the not determining of an appeal against a member of the house of Commons, is not a failure of justice, but only a suspension of proceedings in a particular case, during the continuance of that Parliament which is but temporary.

VI. That

VI. That in case it were a failure of justice, it is not to be remedied by the house of Lords alone, but it may be by act of Parliament.

[Here Sir *Thomas Littleton* reported from the Committee appointed to prepare the farther address of this house to his Majesty, for the recalling such of his subjects as are in the *French* King's service; which the house deferred the farther consideration of till *Wednesday* next.]

Then Sir *Trevor Williams* reports from the Lords, that he had attended, and desired a conference with the Lords on the privilege of this house, contained in the Lords answer to the message of this house, in the case of Mr. *Onslow*: And that the Lords will return an answer by messengers of their own.

Mr. *Powle* reports, from the conference had with the Lords upon the subject matter of the former conference, concerning the warrant for apprehending Dr. *Shirley*, That the Lords had returned an answer to the reasons of this house, delivered at the former conference, and are as follow:

‘ The Lords have appointed this conference, upon
 ‘ the subject matter of the last conference, and have
 ‘ commanded us to give these answers to the reasons
 ‘ and other matters then delivered by the house of
 ‘ Commons.

‘ To the first question, the Lords conceive that
 ‘ the most natural way of being informed, is by way
 ‘ of question; and seeing a paper here which did
 ‘ reflect upon the privileges of the Lords house,
 ‘ their Lordships would not proceed upon it, till
 ‘ they were assured it was owned by the house of
 ‘ Commons: But the Lords had no occasion at that
 ‘ time, nor do they now think fit, to enter into the
 ‘ debate of the house of Commons being, or not
 ‘ being proper judges in the case concerning the
 ‘ privilege of a member of that house; their Lord-
 ‘ ships necessary consideration upon sight of that
 paper

‘ paper being only, how far the house of Com-
‘ mons ordering (if that paper were theirs) the ap-
‘ prehension of Dr. *Skirley*, for prosecuting his ap-
‘ peal before the Lords, did entrench upon their
‘ Lordships both privilege and undoubted right of
‘ judicature, in the consequence of it, excepting all
‘ the members of both houses from the judicature of
‘ this the highest court of the kingdom; which
‘ would cause a failure of that supreme justice, not
‘ administrable in any other court, and which their
‘ Lordships will never admit.

‘ As to the second reason, the Lords answer,
‘ That they do not apprehend how the matter of this
‘ message is any reflection upon the *Speaker* of the
‘ house of Commons.

‘ To the third reason, The Lords cannot imagine
‘ how it can be apprehended in the least to reflect
‘ upon the house of Commons; for the house of
‘ Peers, upon a paper produced to their Lordships,
‘ in form of a warrant of that house, whereof doubt
‘ was made among the Lords, whether any such
‘ thing had been ordered by that house, to enquire
‘ of the Commons whether such warrant was order-
‘ ed there or no? And without such liberty used by
‘ the Lords, it will be very hard for their Lord-
‘ ships to be rightly informed, so as to preserve a
‘ good correspondence between the two houses, which
‘ their Lordships shall endeavour; or to know when
‘ warrants, in the name of that house, are true or
‘ pretended: And it is so ungrounded an appre-
‘ hension, that their Lordships intended any reflec-
‘ tion in asking that question, and not taking notice
‘ in their message of the complaint of the house of
‘ Commons owning that warrant, that the Lords
‘ had sent their message concerning that paper, to
‘ the house of Commons, before the Lords had re-
‘ ceived the said Commons complaint.

‘ But their Lordships have great cause to except
‘ against the unjust and strained reflection of that
‘ house

‘ house upon their Lordships, in asserting that the
 ‘ question in the Lords message could not be for
 ‘ information, as we affirm, but tending to interrupt
 ‘ the mutual correspondence between the two hou-
 ‘ ses; which we deny, and had not the least
 ‘ thought of.

‘ The Lords have farther commanded us to say,
 ‘ that they doubt not but the house of Commons,
 ‘ when they have received what we have delivered
 ‘ at this conference, will be sensible of their error, in
 ‘ calling our message strange, unusual, or unparlia-
 ‘ mentary. Though we cannot but take notice,
 ‘ that their answer to our message, that they would
 ‘ consider it, was the first of that kind that we can
 ‘ find to have come from that house.’

The question being put, whether the house be
 satisfied with the reasons delivered by the Lords at
 the last conference? it passed in the negative.

Resolved, That a free conference be desired with
 the Lords upon the matter delivered at the last
 conference; and that the former managers do attend,
 and manage the free conference.

Friday, May 21. The house resolved, on *Wednesday*
 next to proceed in the farther consideration of that
 part of the message relating to appeals from inferior
 courts. Sir *Trevor Williams* ordered to go up to the
 Lords, to desire a conference upon the privileges of
 this house, contained in their answer to the message
 touching Mr. *Onslow's* case, which he accordingly
 did; and reports, that the Lords will return an an-
 swer thereto by messengers of their own.

May 27. A message ordered to be sent to the
 Lords, to remind them of the former message; and
 again to desire a conference upon the privileges of
 this house, in the case of Mr. *Onslow*. And ordered
 the matter of the jurisdiction of the Lords, in cases
 of appeal, be taken into consideration to morrow
 morning.

Veneris,

Veneris, 28 Maij, 1675.

Sir *Thomas Lee* reports, from the committee to whom it was referred, to draw up reasons to be offered, at a conference to be had with the Lords, upon the subject matter of their answer to the last message of this house, in the case of Mr. *Onslow*, several reasons agreed by the said committee: which he read in his place, and afterwards delivered the same in at the clerk's table; where the same being twice read, were, upon the question, severally agreed unto, and are as follow, *viz.*

‘ For that the Commons desired a conference upon their privileges concerned by the Lords answer to a message sent to the Lords the 18th of *May*, in the case of Mr. *Onslow*; their Lordships have not agreed any conference in the case of Mr. *Onslow*, but have only agreed a conference concerning their privileges in general, without reference to the case of the said Mr. *Onslow*; which was the only subject matter of the desired conference.

‘ The limitation in the Lords agreement to a conference, with proviso that nothing be offered at the conference, that may any way concern their Lordships judicature, is in effect a denial of any conference at all, upon the subject on which it was desired: Which ought not to be; the judicature which their Lordships claim in appeals against a member of the house of Commons, and the privilege of that house, being in that case so involved, that there can be no conference upon the latter, without some way touching upon the former.

‘ That this manner of agreeing to a conference with any limitation or proviso, is against the course of proceedings betwixt the two houses of Parliament, in coming to conference; and doth seem to place a power in the managers of such conferences, to judge whether such proviso's be broken or not,

‘ and accordingly to proceed, or break off the conference upon their own judgments.’

Luna, 31 Maij, 1675.

Sir *Leoline Jenkins* reports, that he had attended the Lords with the message of this house, for a conference upon the subject matter of the Lords answer to the last message of this house, in case of Mr. *Onslow*, and that the Lords had sent answer, that they would return answer by messengers of their own.

A message from the Lords by Sir Mondeford Brampston, and Sir William Beversham.

Mr. Speaker.

‘ The Lords have commanded us to acquaint you, that they desire a conference presently in the painted-chamber, with the house of Commons, upon their not coming to the conference desired by them, on *Thursday* last, and by the Lords appointed to be at ten of the clock in the painted-chamber, on *Friday* the 28th of this instant *May*.’

The messengers being withdrawn, and the message debated, a present conference upon the question was agreed.

And the messengers being called in, Mr. *Speaker* acquaints them, that the house had agreed to a present conference.

Ordered, That the former members, that were appointed to manage the former conference, in the case of Mr. *Onslow*, do attend and manage this conference,

Sir *John Trevor* reports, from the conference, that the Lords had declared the intent of this conference, to the effect following, *viz.* ‘ That the Lords have appointed this conference, out of that
‘ constant

‘ constant desire and resolution they have to continue a fair correspondence between the two houses; which is of the essence of parliamentary proceedings.’

For this end their Lordships have commanded us to tell you, that they cannot but take notice of the house of Commons failing to be, on *Friday* last, at a conference desired by themselves and appointed by the Lords at ten of the clock in the painted-chamber.

That they conceive it tends to an interruption of all parliamentary proceedings, and to evade the right of the Lords to appoint time and place for a conference.

Ordered, That it be referred to the former committee, who are appointed to draw up reasons, to be offered at a conference to be had with the Lords upon the subject matter of their answer, to the message of this house, in the case of Mr. *Onslow*, to consider of the matter delivered by the Lords at the last conference; and to prepare and draw up farther reasons, to be offered at another conference. And that the committee do meet this afternoon at five of the clock in the Speaker’s chamber. And Mr. Serjeant *Maynard*, and Mr. *Sawyer*, are to take notice to attend the same.

Martis, 1 Junij, 1675.

Sir *Thomas Lee* reports, from the committee appointed to inspect the journals of the house of Lords, and to see what proceedings have been entred, in the case of Mr. *Dalmahoy*, and Mr. *Onslow*, that they had inspected the Lords Journals as to the case of Mr. *Dalmahoy*, and collected what proceedings had been in that case; but had no opportunity or time yet to do it in the case of Mr. *Onslow*: Which proceedings being reported, were read, and delivered

vered in at the clerk's table; and are as follow,
viz. 19 April, 1675.

The appeal brought by *Crispe* and *Crispe*, complaining against a decree in *Chancery* made, wherein Mr. *Dalmahoy* is recited to be one of the petitioners; *Cranbourne* and *Bowyer* are ordered to put in an answer, and *Dalmahoy* if he please.

Maïj 12, 1675.

Ordered, That this house will hear counfel at the bar, upon the petition and appeal of Sir *Nicholas Crispe*, and others, against the Lady Viscountess *Cranbourne*, the Lady *Anne Bowyer*, and *Thomas Dalmahoy*, Esq; and their answer thereunto, depending in this house on *Wednesday* the 19th of this instant *May*, at ten of the clock in the forenoon; whereof the petitioners are to cause timely notice to be given to the said defendants, or their agents in the said case, for that purpose.

Maïj 19, 1675.

Whereas Sir *Nicholas Crispe*, Bart. having an appeal depending in this house, against the Lady *Cranbourne*, Lady *Bowyer*, and *Thomas Dalmahoy*, Esq; a member of the house of Commons; hath prayed that counfel may be assigned him to plead his cause upon the said appeal, and hath named counfel for that purpose: It is ordered that Sir *John Churchill*, Serjeant *Peck*, Serjeant *Pemberton*, and Mr. *Porter*, named by the said Sir *Nicholas Crispe*, be, and are hereby appointed to open, and manage the said cause, on the part and behalf of the said Sir *Nicholas Crispe*; on *Thursday* the 27th day of this instant *May* at ten of the clock in the forenoon; and at such other times, as it shall be depending in this house.

Upon reading the petition of Sir *Nicholas Crispe*, Bart. *Thomas Crispe* and *John Crispe*, Esqs; shewing, that having an appeal depending in this house against *Thomas Dalmahoy*, Esq; a member of the house of Commons, and others; they are in danger of being arrested by an order of the house of Commons; and therefore pray the protection of this house, that they may have liberty to prosecute their said appeal with freedom:

It is thereupon ordered, that Sir *Nicholas Crispe*, Bart. *John Crispe*, and *Thomas Crispe*, or any of them, their or any of their counsel, agents or solicitors, or such other person or persons as they shall employ, in prosecuting said appeal before this house, be, and are hereby privileged, and protected accordingly by this house, until the matter upon the appeal be determined by their Lordships. And all persons whatsoever, are hereby prohibited from arresting, imprisoning, or otherwise molesting, the said Sir *Nicholas Crispe*, *John Crispe*, and *Thomas Crispe*, or any of them, their or any of their counsel, agents, or solicitors, upon any pretence whatsoever, during the time prefixed, as they or such of them will answer the contrary to this house.

Maij 26, 1675.

The cause between Sir *Nicholas Crispe*, &c. plaintiffs, and *Thomas Dalmahoy*, Esq; defendant, appointed to be heard the 27th was ordered to be heard the 28th *Maij*.

Maij 27.

Upon reading the petition of Sir *Nicholas Crispe*, complaining, that the counsel assigned him by this house, to plead his cause at the bar, wherein Mr. *Dalmahoy* is one of the defendants, do refuse to plead for him in this case, in regard of a vote of the

house of Commons; Sir *Nicholas Crispe* was called in, and testified, that he shewed the order of this house to Sergeant *Peck*, Sergeant *Pemberton*, Sir *John Churchill*, and Mr. *Porter*.

Whereupon it is ordered, that whereas Sir *John Churchill*, Sergeant *Peck*, Sergeant *Pemberton*, and Mr. *Porter*, were by order of this house, dated on the 19th instant assigned to be of counsel for Sir *Nicholas Crispe*, *John Crispe*, and *Thomas Crispe*, in their cause depending in this house, against *Thomas Dalmahoy*, Esq; a member of the house of Commons, and other defendants, at such time as the said cause shall be appointed to be pleaded at the bar of this house; and having appointed to hear the said cause by counsel on both sides, to-morrow at three of the clock in the afternoon;

It is this day ordered, that the said Sir *John Churchill*, Sergeant *Peck*, Sergeant *Pemberton*, and Mr. *Porter*, be, and are hereby required, to appear at the bar of this house, to-morrow, at three of the clock in the afternoon, as counsel to plead in the said cause, on the behalf of the said Sir *Nicholas Crispe*, *John Crispe*, and *Thomas Crispe*, as they will answer the contrary to this house.

Maij 28, 1675.

Counsel heard at the bar on both parts, upon the petition and appeal of Sir *Nicholas Crispe*, &c. and the answer of *Diana Viscountess Cranbourne*, &c. and *Thomas Dalmahoy*, Esq; put in thereunto concerning a decree in chancery: *Resolved*, the petition and decree be dismissed.

Maij 28.

This day the house heard the counsel of Sir *Nicholas Crispe*, *John Crispe*, and *Thomas Crispe*, upon their petition and appeal depending in this house; and
also

also the counsel of the Lady *Bowyer*, and Mr. *Dalmahoy*, upon their answer thereunto; and after a serious consideration, thereof the question being put, whether this petition and appeal shall be dismissed this house?

It was resolved in the affirmative.

Mr. Sergeant *Pemberton*, Sir *John Churchill*, Mr. Sergeant *Peck*, and Mr. *Porter*, attending at the door, in obedience to the order of the house of Commons; and being severally called in, Mr. *Speaker* did severally acquaint them, that they were summoned to give an account to the house, of their appearing as counsel at the bar of the house of Lords, in the prosecution of a cause depending upon an appeal, wherein Mr. *Dalmahoy*, a member of this house, is concerned, in the manifest breach of the order of this house; and giving up as much as in them lies, the rights and privileges of the Commons of *England*: And they having answered and made their excuses to the effect following; That they had no notice of the order or vote of this house, but what they have heard in common discourse abroad; and because they conceived Mr. *Dalmahoy*, a member of this house, might be concerned, they refused several times to appear as counsel, or to accept their fees; but being assigned of counsel for Sir *Nicholas Crispe*, and an order of the house of Lords being served on them to attend at their peril, and that then attending, and Mr. *Dalmahoy* having put in his answer in the Lords house, and not insisting on his privilege afterwards, and the counsel for Lady *Bowyer*, who was the principal party concerned, denying to be of counsel for Mr. *Dalmahoy*, they conceived they might safely appear as counsel without breach of the order, or invading the rights and privileges of this house, which was not intended by them; and Sir *John Churchill* by way of farther excuse for himself, said, that he had witnesses ready to prove, that Mr. *Dal-*

K 4

mahoy

mahoy was willing and desirous to have the business go forward. And the said Mr. Serjeant *Pemberton*, Sir *John Churchill*, Mr. Serjeant *Peck*, and Mr. *Porter*, did all of them humbly submit themselves to the pleasure of the house, if they had in any thing misbehaved themselves; and being withdrawn, and the matter debated, the question being put, That Serjeant *Pemberton* be taken into custody of the Serjeant at arms attending this house?

It was resolved in the affirmative.

Ordered, that Serjeant *Pemberton*, Sir *John Churchill*, Mr. Serjeant *Peck*, and *Charles Porter*, Esq; be taken into custody of the Serjeant at arms attending this house.

Mercurij, 2 die Junii.

Ordered, That Sir *Richard Temple*, Mr. *Vaughan*, and Sir *Thomas Lee* do withdraw, and attend the reasons upon the debates of the house: Which was done; and the reasons agreed to are as follow.

‘ The house of Commons do agree with the
 ‘ Lords, that conferences between the two houses of
 ‘ Parliament, are essential to parliamentary pro-
 ‘ ceedings, when they are agreed in the usual and
 ‘ parliamentary way; but the manner of the Lords
 ‘ agreement to the conference, to have been on
 ‘ *Friday* the 28th of *May* last, at ten of the clock,
 ‘ in the painted chamber, with limitation and pro-
 ‘ viso, did necessitate the house of Commons to
 ‘ forbear to meet at that conference, and gave the
 ‘ first interruption to parliamentary proceedings, in
 ‘ conferences between the two houses.

‘ For that the conference desired by the Commons,
 ‘ was upon their privileges, concerned in the answer
 ‘ of the Lords to a message of the house of Com-
 ‘ mons, sent to the Lords the 17th of *May*, in the
 ‘ case of Mr. *Onslow*; to the which the Lords did
 ‘ not

‘ not agree, but did only agree to a conference concerning their privileges in general, without reference to the case of the said Mr. *Onslow*; which was the only subject matter of the desired conference.

‘ The limitation in the Lords agreement to a conference, with proviso that nothing be offered at the conference that may any ways concern the Lords judicature, is in effect a denial of any conference at all, upon the subject upon which it was desired; which ought not to be.

‘ The judicature which the Lords claim in appeals, against a member of the house of Commons, and the privilege of that house in that case, is so involved, that no conference can be upon the matter, without some way touching the former.

‘ That this manner of agreeing to a conference, with any limitation or proviso, is against the course of proceedings between the two houses of Parliament, in coming to conferences; and doth seem to place a power in the managers of such conferences, to judge whether such proviso’s be broken or not, and accordingly to proceed or break off the conference upon their own judgments.

‘ The house of Commons doubt not, but that when the Lords have considered of what is delivered at this conference, the good correspondence which the Lords express they desire to continue between the two houses (which the Commons are also no less careful to maintain) will induce them to remove the present interruption of coming to conferences; and therefore to agree to the conference, as it was desired by the house of Commons, upon the privileges of their house, concerned in the Lords answer to the message of the house of Commons, in the case of Mr. *Onslow*: That the particular limitation, that nothing be offered at the conference, that may any way concern the judicature of the Lords, appears unreasonable;

‘ reasonable ; for that their Lordships judicature
 ‘ in Parliament is circumscribed by the laws of the
 ‘ land, as to their proceedings and judgments ; and
 ‘ is, as well as all other courts, subjected to Parlia-
 ‘ ment.’

Jovis, 3 die Junij, 1675.

Mr. *Vaughan* reports, That the Lord Privy-Seal did manage the conference, and had delivered the intent and occasion of the conference ; which Mr. *Vaughan* did report to the house, to the effect following, *viz.*

‘ The Lords do take notice of the house of Com-
 ‘ mons their ordering into custody of their Serjeant,
 ‘ Mr. Serjeant *Peck*, Sir *John Churchill*, Mr. Ser-
 ‘ jeant *Pemberton*, and Mr. Serjeant *Porter*, coun-
 ‘ sellors at law ; assigned by their Lordships to be
 ‘ of counsel in an appeal heard at their Lordships
 ‘ bar, in the case of Sir *Nicholas Crispe*, against the
 ‘ Lady *Bowyer*, Mr. *Dalmahoy*, and others ; the
 ‘ Lords in Parliament, where his Majesty is high-
 ‘ est in his royal estate, and where the last resort of
 ‘ judging upon writs of error, and appeals in
 ‘ equity, in all causes and over all persons, is un-
 ‘ doubtedly fixed, and permanently lodged.’

‘ It is an unexampled usurpation and breach of
 ‘ privilege against the house of Peers, that their or-
 ‘ ders or judgments should be disputed, or endea-
 ‘ voured to be controlled, or the execution thereof
 ‘ obstructed by the lower house of Parliament ; who
 ‘ are no court, nor have authority to administer an
 ‘ oath, or give any judgment.’

‘ It is a transcendent invasion on the right and
 ‘ liberty of the subject, and against *Magna Charta*,
 ‘ the petition of right, and many other laws, which
 ‘ have provided, that no freeman shall be imprisoned
 ‘ or otherwise restrained of his liberty, but by due pro-
 ‘ cess of law.’

‘ This tends to the subversion of the government
‘ of the kingdom, and to the introducing of arbi-
‘ trariness and disorder.

‘ Because it is in the nature of an injunction from
‘ the lower house, (who have no authority or power
‘ of Judicature over inferior subjects, much less over
‘ the King and Lords) against the orders and judg-
‘ ments of the supreme court.’

‘ We are farther commanded to acquaint you, that
‘ the Lords have therefore out of that justice which
‘ they are dispensers of, against oppression and breach
‘ of laws, by judgment of this court, set at liberty,
‘ by the gentleman-Usher of the black rod, all the
‘ said Serjeants and counsellors; and prohibited the
‘ lieutenant of the tower, and all other keepers of
‘ prisons and goalers, and all persons whatsoever,
‘ from arresting and imprisoning, detaining, or
‘ otherwise molesting, or charging the said gentle-
‘ men, or any of them, in this case: And if any
‘ person of what degree soever shall presume to
‘ the contrary, their Lordships will exercise the au-
‘ thority with them intrusted for putting the laws
‘ in execution.’

‘ And we are farther commanded to read to you
‘ a roll of Parliament in the first year of the reign
‘ of King *Henry* the IVth, whereof we have brought
‘ the original with us.’

And a debate arising thereupon.

Resolved, That a conference be desired with the
Lords upon the subject matter of the last conference;
and that these members following, be appointed to
prepare and draw up reasons upon the debates of the
house, to be offered at the conference; Mr. Secreta-
ry *Coventry*, &c.

Ordered, That the Officer in whose custody the
record of the first of *Henry* the IVth, mentioned at
the conference with the Lords, do attend the com-
mittee appointed to draw up reasons for another con-
ference this afternoon: And they are to meet at three
of

of the clock, in the *Speaker's* chamber, and to send for persons, papers and records.

Ordered, That no member of this house do attend the Lords house, upon any summons from the Lords without leave of the house.

Veneris, 4 Junij, 1675.

Ordered, That the thanks of the house be returned to Mr. *Speaker*, for causing Mr. Serjeant *Pemberton*, formerly committed by order of this house to the custody of the serjeant at arms attending this house, for breach of privilege, to be seized and taken into custody in *Westminster-hall*, for his breach of privilege.

The house being informed, that Sir *John Churchill*, Mr. serjeant *Peck*, and Mr. *Charles Porter*, who were ordered to be taken into the custody of the serjeant at arms attending this house, are now in *Westminster-hall* ;

Ordered, That the Serjeant at arms now attending this house, do go with his mace into *Westminster-hall*, and do execute the order of this house and the warrant of Mr. *Speaker* thereupon, for seizing and bringing in custody Mr. serjeant *Peck*, Sir *John Churchill* and Mr. *Charles Porter*, for their breach of the privilege of this house.

The serjeant returning, gave an account, that he had executed the order of this house and Mr *Speaker's* warrant thereupon, and had brought the said Mr. serjeant *Peck*, Sir *John Churchill* and Mr. *Charles Porter*, in custody into the *Speaker's* chamber.

The question being put, That Sir *John Churchill*, Mr. serjeant *Peck*, Mr. serjeant *Pemberton*, and Mr. *Charles Porter* be sent to the *Tower*, for their breach of privilege and contempt of the authority of this house ?

It was resolved in the affirmative.

Ordered,

Ordered, That *Mr. Speaker* do issue his warrant to the lieutenant of the *Tower* to receive them into his custody.

Ordered, That *John Popham*, Esq; the now serjeant at arms attending this house, be protected against all persons that shall any ways molest or hinder him from executing his office.

Sir Thomas Lee reports from the committee, the reasons agreed to be offered at the conference to be had with the Lords, upon the matters delivered at the last conference, which were twice read, and with some amendments made at the table, severally agreed; and are as follows, *viz.*

‘ Your Lordships having desired the last conference, upon matters of high importance, concerning the dignity of the King, and the safety of the government, the Commons did not expect to hear from your Lordships at that conference, things so contrary to, and inconsistent with, the matter upon which the said conference was desired, as were then delivered by your Lordships.

‘ It was much below the expectation of the Commons, that after a representation of your Lordships message, of matters of so high importance, the particular upon which the conference was grounded, should be only the commitment of four lawyers to the custody of their own serjeant at arms, for a manifest violation of the privileges of their house.

‘ But the Commons were much more surprized, when your Lordships had introduc’d the conference with an assurance, that it was in order to a good correspondency between the two houses, that your Lordships should immediately assume a power to judge the orders of the house of Commons for imprisonment of *Mr. serjeant Pemberton*, *Mr. serjeant Peck*, *Sir John Churchill*, and *Mr. Charles Porter*, to be illegal and arbitrary; and the execution thereof a great indignity to the King’s Majesty;

‘ jesty ; with many other high reflections upon the
 ‘ house of Commons, throughout the whole con-
 ‘ ference ; whereby your Lordships have condemned
 ‘ the whole house of Commons as criminal, which
 ‘ is without precedent or example, or any ground
 ‘ or reason so to do.

‘ It is not against the King’s dignity for the house
 ‘ of Commons to punish, by imprisonment, a Com-
 ‘ moner that is guilty of violating their privileges,
 ‘ that being according to the known laws and cus-
 ‘ toms of Parliament, and the right of their privi-
 ‘ leges declared by the King’s royal predecessors in
 ‘ former Parliaments, and by himself in this.

‘ But your Lordships claiming to be the supreme
 ‘ court, and that his Majesty is highest in his royal
 ‘ estate in the court of judicature there, is a dimi-
 ‘ nution of the dignity of the King, who is highest in
 ‘ his royal estate in full Parliament ; and is deroga-
 ‘ tory to the authority of the whole Parliament, by
 ‘ appropriating it to your selves.

‘ The Commons did not by this imprisonment
 ‘ infringe any privileges of the house of Peers, but
 ‘ only defend and maintain their own : On the other
 ‘ side, your Lordships do highly intrench upon the
 ‘ rights and privileges of the house of Commons,
 ‘ by denying them to be a court or to have any au-
 ‘ thority or power of judicature, which if admit-
 ‘ ted, will leave them without any power or autho-
 ‘ rity to preserve themselves.

‘ As to what your Lordships call a transcendent in-
 ‘ vasion of the rights and liberties of the subject, and
 ‘ against *Magna Charta*, the *petition of right*, and
 ‘ many other laws ; the house of Commons presume
 ‘ that your Lordships know, that neither the *Great*
 ‘ *Charter*, *petition of right*, or any other laws, do
 ‘ take away the law and custom of Parliament, or
 ‘ of either house of Parliament, or else your Lord-
 ‘ ships have very much forgotten the *Great Charter*,
 ‘ and those other laws, in the several judgments
 ‘ your

‘ your Lordships have passed upon the King’s subjects in cases of privilege. But the Commons cannot find by *Magna Charta*, or by any law or ancient custom of Parliament, that your Lordships have any jurisdiction in cases of appeal from the courts of equity.

‘ We are farther commanded to acquaint you, that the enlargement of those persons in prison by order of the house of Commons, by the gentleman-Usher of the black rod, and the prohibition which threatens all officers and other persons whatsoever, not to receive or detain them; is an apparent breach of the rights and privileges of the house of Commons: And they have therefore caused them to be retaken into the custody of the serjeant at arms attending this house, and have committed them to the *Tower*.

‘ As for the Parliament roll of the 1st of King *Henry* the IVth, caused to be read by your Lordships at the last conference, but not applied; the Commons apprehend it doth not concern the case in question: For that this record was made upon occasion of judgments given by the Lords, to depose and imprison their lawful King; to which the Commons were not willing to be made parties. And therefore the Commons conceive it will not be for the honour of your Lordships to make farther use of that record.

‘ But we are commanded to read to your Lordships the Parliament roll of 4 *Edw.* III. N. 6. which if your Lordships please to consider, they doubt not but your Lordships will find occasion to apply it to the present purpose.

Ordered, The thanks of the house be given to the *Speaker*, for his care in issuing the warrant for retaking the persons committed yesterday in custody.

The serjeant at arms ordered to be sent to the *Tower*; and the other serjeant at arms attending, was ordered

ordered to apprehend him for betraying his trust, in not executing his office, in bringing the persons committed yesterday to his custody, to the bar of the house.

An address ordered to be prepared, to be presented to his Majesty, to desire a new serjeant at arms to attend the house.

Saturday, June 5, 1675.

Mr. Secretary *Coventry* acquainted the house, that it was his Majesty's desire, that the house would adjourn till four of the clock in the afternoon, and that both houses should at that time attend him in the banquetting house at *Whitehall*.

A debate arising touching the removal of *John Popham*, Esq; Serjeant at arms in ordinary, attending the house yesterday, the farther debate thereof was adjourned till five o'clock in the afternoon, and then the house adjourned till four in the afternoon.

In the Afternoon.

The house then met at the time they adjourned to, and went in a body to his Majesty at *Whitehall*; and the house of Lords being also present, his Majesty made the following speech.

My Lords and Gentlemen,

YOU may remember, that at the meeting of this session, I told you no endeavour would be wanting to make the continuance of this parliament unpracticable. I am sorry that experience hath so quickly shewed you the truth of what I then said; but I hope you are well convinced, that the intent of all these contrivances is only to procure a dissolution. I confess, I look upon it as a most malicious design of those who are enemies to me and the church of *England*; and were the contrivers known, I should
not

not doubt but the dislike of their practices would alone be a means of bringing the houses to a good understanding; but since I cannot prescribe any way how to arrive to the discovery of it, I must tell you plainly my opinion, that the means to come to any composition between your selves, cannot be without admitting of such free conferences, as may convince one another by the reasons then offered; or enable me to judge rightly of the differences, when all hath been said on both sides which the matter will afford: For I am not to suffer these differences to grow to disorders in the whole kingdom, if I can prevent it; and I am sure my judgment shall always be impartial between my two houses of Parliament. But I must let you know, that whilst you are in debate about your privileges, I will not suffer my own to be invaded. I have nothing more to say to you at this time, but to desire, as I did when we met first, that you would yet consider, and not suffer ill men's designs to hinder the sessions from a happy conclusion.

The house of Lords presented an Address to his Majesty, to remove the lieutenant of the *Tower*; whereupon the Lord Treasurer reported his Majesty's answer, *viz.* 'That his Majesty hath considered the circumstances of the matter, and is not satisfied how with justice he can remove him.'

The house then took into consideration his Majesty's speech, and resolved, *nemine contradicente*, That the humble thanks of this house be returned to his Majesty, for the gracious expressions in his speech this day made to both houses of Parliament; and such members of this house as are of his Majesty's privy council are desired to present the humble thanks of this house to his Majesty.

Resolved, That it doth not appear to this house, that any member thereof hath either contrived or

promoted the difference between the two houses of Parliament; or in asserting the rights of the Commons of *England*, and the privileges of this house, hath done any thing inconsistent with his duty, or the trust reposed in him. And then adjourned to *Monday June 7*.

On *Monday, June 7*, The house resolved, that what serjeant *Popham* did in retaking the four Lawyers into his custody, and conducting them to the tower of *London*, was in pursuance of his duty, and by the order of the house; and the farther debate concerning the said serjeant at arms was adjourned till *Wednesday* morning.

A copy of an order from the house of Lords for the hearing counsel in the case of Sir *John Fagg*, a member of this house, to morrow morning was then read and debated: And *resolved*, that as to the case of appeal brought against Sir *John Fagg* in the house of Lords, he shall have the protection and assistance of this house.

Resolved, nemine contradicente, That if any person or persons shall be aiding or assisting in putting in execution any sentence or judgment that shall be given by the house of Lords, upon the appeal brought by Dr. *Shirley* against Sir *John Fagg*, a member of this house, such person or persons shall be adjudged and taken to be betrayers of the rights and liberties of the Commons of *England*, and the privileges of this house, and shall be proceeded against accordingly.

Ordered, That these votes be made publick, by setting them up in *Westminster-hall*, and in the lobby of this house, and the clerk of the house to take care to see it done.

In the afternoon the house proceeded in the farther consideration of effectual means for the preservation of their rights and privileges, and resolved *nem. con.* That no person committed by order or warrant of this house, for breach of the privileges or contempt of

of the authority of the house, ought to be discharged during this session of Parliament, without the order or warrant of this house.

Resolved, nem. con. That the lieutenant of the tower of *London* in receiving and detaining in custody Sir *John Churchill*, serjeant *Peck*, serjeant *Pemberton*, and Mr. *Porter*, hath performed his duty according to law; and for his so doing he shall have the assistance and protection of this house.

Resolved, That the lieutenant of the *Tower*, in case he hath, or shall receive any writ, warrant, order, or command, to remove or deliver any person or persons committed to his charge, for breach of the privileges, or contempt of the authority of the house of Commons, by order or warrant of the house; shall not make any return thereof, or yield any obedience thereto, before he hath first acquainted the house therewith, and received their order and direction how to proceed therein.

Ordered, That these resolutions be immediately sent to the lieutenant of the *Tower*, and then the house adjourned.

Tuesday, June the 8th, 1675.

A message sent to the Lords to remind them of the last conference; and for a conference upon the subject matter delivered by the Lords at the last conference.

Sir *John Robinson* informing the house, that he had received the four lawyers committed to his custody by this house, and denied to deliver them to the gentleman-usher of the black rod; and that he was served last night with four writs of *Habeas Corpus*, to bring the said four lawyers before the King and his Parliament at *Westminster* this morning, and craved the advice of the house what to do therein.

Ordered, The thanks of the house to be given to the said Sir *John Robinson* for his behaviour therein,

and Mr. *Speaker* intimated to him, that he should forbear to return the said writs of *Habeas Corpus*, which were read and debated; and the farther debate thereof was adjourned till to-morrow morning, and a Committee appointed to search the Lords journals, to see what hath been done in the case of the four lawyers, the writs of *Habeas Corpus*, and Mr. serjeant *Popham*, and to search for precedents on the writs of *Habeas Corpus*; and adjourned.

Mercurij, 9 die Junij.

Sir *Thomas Clarges* reports, from the Committee to whom it was referred to search for precedents touching writs of *Habeas Corpus*, returnable in Parliament; That the Committee had found several precedents of writs of *Habeas Corpus* returnable in Parliament, and had considered of them: And that the Committee thereupon had agreed upon four resolves to be presented to the house, which he read in his place, and afterwards delivered the same in at the clerk's table, where they, being twice read, were upon the question severally agreed to, and are as follow:

‘ *Resolved, nem. con. 1.* That no Commoners of
 ‘ *England* committed by the order or warrant of the
 ‘ house of Commons, for breach of privilege or
 ‘ contempt of the authority of the said house, ought,
 ‘ without order of the house, to be by any writ of
 ‘ *Habeas Corpus*, or any other authority whatsoever,
 ‘ made to appear and answer, or receive any deter-
 ‘ mination in the house of Peers, during that session
 ‘ of Parliament wherein such persons were so com-
 ‘ mitted.

‘ *Resolved, nem. con. 2.* That the order of the
 ‘ house of Peers, for the issuing out the writs of
 ‘ *Habeas Corpus* concerning Mr. serjeant *Pemberton*,
 ‘ Mr. serjeant *Peck*, Sir *John Churchill*, and
 ‘ Mr.

‘ Mr. *Charles Porter*, is insufficient and illegal ; for
 ‘ that it is general, and expresse no particular cause
 ‘ of privilege, and commands the King’s great
 ‘ seal be put to writs not returnable before the said
 ‘ house of Peers.

‘ *Resolved, nem. con.* 3. That the Lord Keeper
 ‘ be acquainted with these resolutions, to the end
 ‘ that the said writs of *Habeas Corpus* be superseded,
 ‘ as contrary to law and the privileges of this house.

‘ *Resolved, nem. con.* 4. That a message be sent
 ‘ to the Lords, to acquaint their Lordships, that
 ‘ Mr. serjeant *Peck*, Sir *John Churchill*, Mr. ser-
 ‘ jeant *Pemberton*, and Mr. *Charles Porter*, were
 ‘ committed by order and warrant of this house,
 ‘ for manifest breach of privilege, and contempt
 ‘ of the authority of this house.’

Ordered, That Col. *Birch* do go up to the Lords
 with a message, that a conference be desired upon
 the subject matter of the last conference.

A message was this day sent from his Majesty in
 the house of Lords, by Sir *Edward Carteret*, usher
 of the black rod, commanding this honourable house
 to attend his Majesty forthwith in the house of
 Peers ; and accordingly Mr. *Speaker* went up with
 the house, where his Majesty was pleased to make
 the following speech to them.

My Lords and Gentlemen,

‘ **I** Think I have given sufficient evidence to the
 ‘ world, that I have not been wanting on my
 ‘ part, in my endeavours to procure the full satis-
 ‘ faction of all my subjects, in the matters both of
 ‘ religion and property : I have not only invited
 ‘ you to those considerations at our first meeting,
 ‘ but I have been careful through this whole session,
 ‘ that no concern of my own should divert you
 ‘ from them.

‘ Besides, as I had only designed the matter of it
 ‘ to be the procuring of good laws, so for the gain-
 ‘ ing of them, I have already waited much longer
 ‘ than I intended; and should have been content-
 ‘ ed still to have continued my expectation, had
 ‘ there any hopes remained of a good conclusion. But
 ‘ I must confess the ill Designs of our enemies have
 ‘ been too prevalent against those good ones I had
 ‘ proposed to my self, in behalf of my people; and
 ‘ those unhappy differences between my two *Houses*
 ‘ are grown to such a heighth, that I find no possible
 ‘ means of putting an end to them but by a proro-
 ‘ gation. It is with great unwillingness that I make
 ‘ use of this expedient, having always intended an
 ‘ adjournment, for the preservation of such bills as
 ‘ were unfinished. But my hopes are, that by this
 ‘ means the present occasion of differences being taken
 ‘ away, you will be so careful hereafter of the pub-
 ‘ lic as not to seek new ones, nor to revive the old.

‘ I intend to meet you here again in *Winter*, and
 ‘ have directed my Lord Keeper to prorogue you
 ‘ till the thirteenth day of *October* next.

The fif-
 teenth Ses-
 sion.

*October 13, 1675. the King came to the house of Peers,
 and sending for the Commons, made the following
 speech to both houses.*

My Lords and Gentlemen,

‘ I Meet you now with more than an usual concern
 ‘ for the event of this sessions; and I know it is
 ‘ but what may be reasonably expected from the
 ‘ care I have for the preservation of the govern-
 ‘ ment. The causes of the last prorogation, as I
 ‘ for my part do not desire to remember, so I hope
 ‘ no man else will, unless it be to learn from thence
 ‘ how to avoid the like occasion for the future:
 ‘ And I pray consider how fatal the consequences
 ‘ may be, and how little benefit is like to redound
 ‘ to the people by it. However, if any of that
 ‘ kind

‘ kind shall arise, I desire you would defer those
 ‘ debates till you have brought such publick bills to
 ‘ perfection, as may conduce to the good and safety
 ‘ of the kingdom.’

[The rest of the speech relates to his Majesty’s recommending the security of the protestant religion, the supply for building ships, and public debts, &c.]

Then the Lord *Finch*, by his Majesty’s order, made a speech to both houses, recommending unanimity, and making good laws, and the care of religion, &c.

The Earl of Shaftsbury’s Speech in the house of Lords, upon the debate of appointing a day for the hearing Dr. Shirley’s cause, the 20th of October, 1675.

My Lords,

OUR all is at stake, and therefore you must give me leave to speak freely before we part with it. My Lord Bishop of *Salisbury* is of opinion, *That we should rather appoint a day to consider what to do upon the petition, than to appoint a day of hearing;* and my Lord Keeper, for I may name them at a Committee of the whole house, tells us in very eloquent and studied language, *That he will propose us a way, far less liable to exception, and much less offensive and injurious to our own privileges, than that of appointing a day of hearing.* And I beseech your Lordships, did you not after all these fine words expect some admirable proposal? But it ended in this, *That your Lordships should appoint a day, nay a very long day, to consider what you would do in it:* And my Lord hath undertaken to convince you, that this is your only course by several undeniable reasons; the first of which is, *That it is against your judicature to have this cause, which is not proper, before us, nor ought to be relieved by us.* To this, my Lords, give me

me leave to answer, that I did not expect from a man professing the law, that after an answer by order of the court was put in, and a day had been appointed for hearing, which by some accident was set aside; and the plaintiff moving for a second day to be assigned, that ever without hearing council on both sides the court did enter into the merits of the cause. And if your Lordships should do it here, in a case attended with the circumstances this is, it would not only be an apparent injustice, but a plain *Subterfuge*, to avoid a point you durst not maintain.

But my Lord's second reason sneaks the matter more clearly; for that is, *Because 'tis a doubtful case, whether the Commons have not privilege*, and therefore my Lord would have you, *to appoint a farther, and very long day to consider of it*: Which in plain *English* is, that your Lordships should confess upon your books, that you conceive it on second thoughts a doubtful case; for so your appointing a day to consider will do; and that for no other reason, but because my Lord Keeper thinks it so; which I hope will not be a reason to prevail with your Lordships; since we cannot yet by experience tell that his Lordship is capable of thinking your Lordships in the right, in any matter against the judgment of the house of Commons; 'tis so hard a thing even for the ablest of men to change ill habits.

But my Lord's third reason is the most admirable of all, which he styles unanswerable, *viz. That your Lordships are all convinced in your own consciences, that this (if prosecuted) will cause a breach*. I beseech your Lordships, consider whether this argument, thus applied, would not overthrow the law of nature, and all the laws of property and right in the world: For 'tis an argument, and a very good one, that you should not stand or insist on claims, where you have not a clear right, or where the question is not of consequence and moment, in a matter that
may

may produce a dangerous and pernicious breach between relations, persons, or bodies politic, joined in interest and high concerns together. So, on the other hand, if the obstinacy of the party in the wrong shall be made an unanswerable argument for the other party to recede and give up his just rights, how long shall the people keep their liberties, or the Princes or Governors of the world their prerogatives? How long shall the husband maintain his dominion, or any man his property, from his friends or his neighbours obstinacy? But, my Lords, when I hear my Lord Keeper open so eloquently the fatal consequences of a breach, I cannot forbear to fall into some admiration how it comes to pass, that (if the consequences be so fatal) the King's Ministers in the house of Commons, of which there are several that are of the cabinet, and have daily resort to his Majesty, and have the direction and trust of his affairs; I say, that none of these should press these consequences there, or give the least stop to the career of that house in this business; but that all the votes concerning this affair, nay even that very vote, *That no appeal from any court of equity is cognizable by the house of Lords,* should pass *nemine contradicente*. And yet all the great Ministers with us here, the Bishops and other Lords of greatest dependance on the court, contend this point, as if it were *pro aris & focis*. I hear his Majesty in *Scotland* hath been pleased to declare against appeals in Parliament; I cannot much blame the court, if they think (the Lord Keeper and the Judges being of the King's naming, and in his power to change) that the justice of the nation is safe enough; and I, my Lords, may think so too, during this King's time, though I hear *Scotland*, not without reason, complains already. Yet how future Princes may use this power, and how Judges may be made not of men of ability or integrity, but men of relation and dependance,
and

and who will do what they are commanded; and all mens causes come to be judged, and estates disposed on, as great men at court please.

My Lords, the constitution of our government hath provided better for us, and I can never believe so wise a body as the house of Commons will prove that foolish woman, who plucks down her house with her hands.

My Lords, I must presume in the next place to say something to what was offered by my Lord Bishop of *Salisbury*, a man of great learning and abilities, and always versed in a stronger and closer way of reasoning, than the business of that noble Lord I answered before did accustom him to; and that reverend prelate hath stated the matter very fair upon two heads.

The first, *Whether the bearing of causes and appeals, and especially in this point where the members have privilege, be so material to us, that it ought not to give way to the reason of state, of greater affairs that pressed us at that time.*

The second was, *If this business be of that moment, yet whether the appointing a day to consider of this petition, would prove of that consequence and prejudice to your cause?*

My Lords, to these give me leave in the first place to say, that this matter is no less than your whole judicature; and your judicature is the life and soul of the dignity of the peerage of *England*; you will quickly grow burthensom, if you grow useless: You have now the greatest and most useful end of Parliaments principally in you, which is not to make new laws, but to redress grievances, and to maintain the old land-marks. The house of Commons business is to complain, your Lordships to redress, not only the complaints from them, that are the eyes of the nation, but

but all other particular persons that address to you, A land may groan under a multitude of laws, and I believe ours does; and when laws grow so multiplied, they prove oftner snares than directions and security to the people. I look upon it as the ignorance and weakness of the latter age, if not worse, the effect of the designs of ill men, that it is grown a general opinion, that where there is not a particular direction in some act of Parliament, the law is defective; as if the common law had not provided much better, shorter, and plainer for the peace and quiet of the nation, than intricate, long, perplex'd statutes do; which has made work for the lawyers, given power to the Judges, lessened your Lordships power, and in a good measure unhinged the security of the people.

My Lord Bishop tells us, *That your whole Judicature is not in question, but only the privilege of the house of Commons, of their members not appearing at your Bar*: My Lords, were it no more, yet that, for justice and the people's sake, you ought not to part with: how far a privilege of the house of Commons their servants, and those they own, doth extend, *Westminster-hall* may with grief tell your Lordships. And the same privilege of their members being not sued, must be allowed by your Lordships as well; and what a failure of justice this would prove, whilst they are Lords for life, and you for inheritance, let the world judge: For my part, I am willing to come to a conference, whenever the dispute shall begin again; and dare undertake to your Lordships, that they have neither precedent, reason, nor any justifiable pretence to shew against us; and therefore, my Lords, if you part with this undoubted right merely for asking, where will the asking stop? And, my Lords, we are sure it doth not stop here. for they have already, *nemine contradicente*, voted against your Lordships power of appeals from any court

court of equity : So that you may plainly see where this caution and reason of state means to stop ; not one jot short of laying your whole judicature aside ; for the same reason of passing the King's money, of not interrupting good laws, and whatever else, must of necessity avoid all breach upon what score soever : Thus your Lordships plainly see the breach will be as well made upon your judicature in general, as upon this ; so that when your Lordships have appointed a day, a very long day, for to consider whether Doctor *Shirley's* cause be not too hot to handle ; and when you have done the same for Sir *Nicholas Stanton* whose petition I hear is coming in ; your Lordships must proceed to a vote, to lay all private business aside for six weeks ; for that phrase of private business hath obtained upon this last age, upon that which is your most public duty and business, namely the administration of justice. And I can tell your Lordships, besides the reason that leads to it, that I have some intelligence of the designing such a vote ; for on the second day of your sitting, at the rising of the Lords house, there came a gentleman into the lobby, belonging to a very great person, and asked in very great haste, *Are the Lords up ? Have they passed the vote ?* And being asked, *what vote ?* He answered, *The vote of no private business for six weeks.*

My Lords, if this be your business, see where you are ; if we are to postpone our judicature, for fear of offending the house of Commons, for six weeks, that they in the interim may pass the money, and other acceptable bills that his Majesty thinks of importance. Are so many wise men in the house of Commons to be laid asleep, and to pass all these acceptable things ; and when they have done, to let us be let loose upon them ?

Will they not remember this, next time there is want of money ? or may not they rather be assured by those ministers that are amongst them, and go on
so

so unanimously with them, that the King is on their side in this controversy? And when the publick busineses are over, our time will be too short to make a breach, or vindicate our selves in the matter. And then I beg your Lordships, where are you, if after you have asserted but the last session your right of Judicature, so highly, even in this point; and after the house of Commons had gone so high against you on the other hand, as to post up their declaration and remonstrances on *Westminster-hall* doors; the very next session after you postpone the very same causes; and not only those, but all judicatures whatsoever? I beseech your Lordships, will not this prove a fatal precedent and confession against your selves? 'Tis a maxim and a rational one amongst the lawyers, *That one precedent where the case has been contested is worth a thousand where there hath been no contest.* My Lords, in saying this, I humbly suppose I have given a sufficient answer to my Lord Bishop's second question; *Whether the appointing a day to consider what you will do with this petition be of that consequence to your right?* For it is a plain confession, that it is a doubtful case, and that infinitely stronger than if it were a new thing to you, never heard of before; for it is the very same case, and the very same thing desired in that case, that you formerly ordered, and so strongly asserted; so that upon time, and all the deliberation imaginable, you declare yourselves to become doubtful, and you put yourselves out of your own hands, into that power that you have no reason to believe on your side in this question.

My Lords, I have all the duty imaginable to his Majesty, and shall with all submission give way to any thing he should think of importance to his affairs: but in this point it is to alter the constitution of the government, if you are asked to lay this aside; and there is no reason of state can be an argument to your Lordships to turn yourselves out of that interest

terest you have in the constitution of the government; 'tis not only your concern that you maintain yourselves in't, but 'tis the concern of the poorest man in *England*, that you keep your station; 'tis your Lordships concern, and that so highly, that I will be bold to say, the King can give none of you a requital or recompence for it. What are empty titles? What is present power, or riches, and a great estate, wherein I have no firm or fixed property? 'Tis the constitution of the government, and maintaining it, that secures your Lordships and every man else in what he hath; the poorest Lord, if birthright of the peerage be maintained, has a fair prospect before him for himself or his posterity; but the greatest title, with the greatest present power and riches, is but a mean creature, and maintains those in absolute monarchies no otherwise than by servile and low flatteries, and upon uncertain terms.

My Lords, 'tis not only your interest, but the interest of the nation, that you maintain your rights; for let the house of Commons and gentry of *England* think what they please, there is no prince that ever governed without nobility or an army; if you will not have one, you must have t'other, or the monarchy cannot long support, or keep itself from tumbling into a democratical republic. Your Lordships and the people have the same cause, and the same enemies. My Lords, would you be in favour with the King? 'Tis a very ill way to it, to put yourselves out of a future capacity, to be considerable in his service: I do not find in story, or in modern experience, but that 'tis better, and a man is much more regarded, that is still in a capacity and opportunity to serve, than he that hath wholly deprived himself of all for his Prince's service. And I therefore declare, that I will serve my Prince as a Peer, but will not destroy the Peerage to serve him.

My Lords, I have heard of twenty foolish models and expedients to secure the justice of the nation,

and yet to take this right from your Lordships, as the King by his commission appointing Commoners to hear appeals; or that the twelve judges should be the persons, or that persons should be appointed by act of Parliament, which are all not only to take away your Lordships just right, that ought not to be altered any more than any other part of the government, but are in themselves, when well weighed, ridiculous: I must deal freely with your Lordships, these things could never have risen in men's minds, but that there has been some kind of provocation that has given the first rise to it. Pray, my Lords, forgive me, if on this occasion I put you in mind of Committee dinners, and the scandal of it, those droves of Ladies that attended all causes; it was come to that pass, that men even hired, or borrowed of their friends, handsom sisters or daughters to deliver their petitions: but yet for all this, I must say, that your judgments have been sacred unless in one or two causes; and those we owe most to that bench from whence we now apprehend the most danger.

There is one thing I had almost forgot to speak to, *which is the conjuncture of time, the hinge upon which our reason of state turns*; and to that, my Lords, give me leave to say, if this be not a time of leisure for you to vindicate your privileges, you must never expect one. I could almost say, that the harmony, good agreement, and accord that is to be prayed for at most other times, may be fatal to us now; we owe the peace of these last two years, and the disengagement from the *French* interest, to the two houses differing from the sense and opinion of *Whitehall*, so at this time the thing in the world this nation hath most reason to apprehend is a general peace, which cannot now happen without very advantageous terms to the *French*, and disadvantageous to the house of *Austria*. We are the Kings great counsellors, and if so, have right to differ, and give contrary counsels to those few that are nearest about him: I
for

fear they would advance a general peace, I am sure I would advise against it, and hinder it at this time by all the ways imaginable. I heartily wish nothing from you may add weight and reputation to those counsels, who would assist the *French*. No money for ships, nor preparations you can make, nor personal assurances our prince can have, can secure us from the *French*, if they are at leisure. He is grown the most potent of us all at sea: He has built 24 ships this last year, and has 30 more in number than we; besides the advantage, that our Ships are all out of order, and his so exquisitely provided for, that every ship has his particular store-house. It is incredible the money he hath, and is bestowing in making harbours; he makes nature it self give way to the vastness of his expence; and after all this, shall a prince so wise, so intent upon his affairs, be thought to make all these preparations to sail over land, and fall on the back of *Hungary*, and batter the walls of *Kaminitz*? Or is it possible he should oversee his interest in seizing of *Ireland*, a thing so feasible to him, if he be master of the seas, as he certainly now is; and which, when attained, gives him all the southern, *Mediterranean*, *East*, and *West-India* trade, and renders him both by situation, and excellent harbours, perpetual master of the seas without dispute?

My Lords, to conclude this point, I fear the court of *England* is greatly mistaken in it, and I do not wish them the reputation of the concurrence of the kingdom; and this out of the most sincere loyalty to his Majesty, and love to my nation.

My Lords, I have but one thing more to trouble you with, and that peradventure is a consideration of the greatest weight and concern, both to your Lordships, and the whole nation. I have often seen in this house, that the arguments with strongest reason, and most convincing to the Lay-Lords in general, have not had the same effect upon the *Bishop's-Bench*:

But

But that they have unanimously gone against us in matters, that many of us have thought essential and undoubted rights: And I consider, that 'tis not possible, that men of great learning, piety and reason, as their Lordships are, should not have the same care of doing right, and the same conviction of what is right upon clear reason offered, that other your Lordships have. And therefore, my Lords, I must necessarily think we differ in principles, and then 'tis very easy to apprehend, what is the clearest sense to men of my principle, may not at all persuade or affect the conscience of the best man of a different one. I put your Lordships the case plainly as 'tis now before us. My principle is, *That the King is King by law, and by the same law that the poor man enjoys his cottage*; and so it becomes the concern of every man in *England*, that has but his liberty, to maintain and defend, to his utmost, the King in all his rights and prerogatives. My principle is also, *That the Lords house, and the judicature and rights belonging to it, are an essential part of the government, and established by the same law*: The King governing and administering justice by his house of Lords, and advising with both his houses of Parliament in all important matters, is the government I own, am born under, and am obliged to. If ever there should happen in future ages (which God forbid) a King governing by an army, without his Parliament, 'tis a government I own not, am not obliged to, nor was born under. According to this principle, every honest man that holds it must endeavour equally to preserve the frame of the government, in all the parts of it, and cannot satisfy his conscience to give up the Lords house for the service of the crown, or to take away the just rights and privileges of the house of Commons, to please the Lords. But there is another principle got into the world, my Lords, that hath not been long there; for Archbishop *Laud* was the first author that I remember of it; and I cannot

find that the jesuits, or indeed the popish clergy have ever own'd it, but some of the episcopal clergy of our *British* Isles; and withal, as 'tis new, so 'tis the most dangerous, destructive doctrine to our government and law, that ever was. 'Tis the first of the Canons published by the convocation, 1640. *That monarchy is of divine right.* This doctrine was then preached up, and maintained by *Sibthorp Manwaring*, and others, and of later years by a book published by Dr. *Sanderfon* Bishop of *Lincoln*, under the name of Archbishop *Usher*; and how much it is spread amongst our dignified Clergy, is very easily known. We all agree, that the King and his government is to be obeyed for conscience sake; and that the divine precepts require not only here, but in all parts of the world, obedience to lawful governors. But that this family are our Kings, and this particular frame of government is our lawful constitution, and obliges us, is owing only to the particular laws of our country. This *Laudean* doctrine was the root that produced the bill of *Test* last session; and some very perplexed oaths, that are of the same nature with that, and yet imposed by several Acts this Parliament.

In a word, if this doctrine be true, our *Magna Charta* is of no use, our laws are but rules amongst ourselves during the King's pleasure. Monarchy, if of divine right, cannot be bounded or limited by human laws; nay, what's more, cannot bind it self: And all our claims of right by the law, or constitution of the government, all the jurisdiction and privilege of this house, all the rights and privileges of the house of Commons, all the properties and liberties of the people, are to give way not only to the interest, but the will and pleasure of the crown. And the best and worthiest of men, holding this principle, must vote to deliver up all we have, not only when reason of state, and the separate interest of the crown require it; but when the will and pleasure

sure of the King is known, would have it so. For that must be, to a man of that principle, the only rule and measure of right and justice. Therefore, My Lords, you see how necessary it is, that all our principles be known; and how fatal to us all it is, that this principle should be suffered to spread any farther.

My Lords, to conclude, your Lordships have seen of what consequence this matter is to you, and that the appointing a day to consider, is no less than declaring yourselves doubtful, upon second and deliberate thoughts, that you put yourselves out of your own hands, into more than a moral probability of having this session made a precedent against you. You see your duty to yourselves and the people; and that it is really not the interest of the house of Commons, but may be the inclination of the court, that you lose the power of appeals: but I beg our house may not be *felo de se*, but that your Lordships would take in this affair, the only course to preserve yourselves, and appoint a day, this day three weeks, for the hearing Dr. Shirley's cause, which is my humble motion.

Saturday, Nov. the 13th, 1675. An order from the Lords to hear Sir John Fagg's cause to-morrow morning, was this day read in the house of Commons, and debated, and the farther debate thereof adjourned till *Monday* morning next.

Monday, Nov. 15. The house resolved, that the prosecuting appeals in the Lords house, by Dr. Thomas Shirley against Sir John Fagg, a member of this house, is a breach of the privileges of this house; and that the said Sir John Fagg do not make any defence at the Lords bar, in the said appeal; and the farther debate thereof was adjourned till to-morrow morning.

Tuesday, the 16th, adjourned the farther debate of Sir John Fagg's business till to-morrow morning; and on *Wednesday*, adjourned the farther debate till *Thursday*; when Sir John Fagg's business was resumed,

suined, and resolved that a conference be desired of the Lords for avoiding differences between the two houses, and then adjourned till *Friday* morning.

Veneris, 19 die Novembris.

Sir *William Coventry* reports from the Committee, to whom it was referred, to prepare and draw up reasons to be offered at the conference, to be desired with the Lords, for avoiding the occasions of reviving the differences between the two houses; and a paper of reasons agreed by the said Committee, to be reported to the house, being read, and the same being agreed to, is as followeth, *viz.*

His Majesty having recommended to us, at the opening of this sessions of Parliament, the avoiding this difference, if possible; and if it could not be prevented, that then we should defer these debates till we had brought such publick bills to perfection, as may conduce to the good and safety of the kingdom: The Commons esteem it a great misfortune that contrary to that most excellent advice, the proceedings in the appeal, brought the last session against Sir *John Fagg*, by Mr. *Shirley*, have been renewed, and a day set for hearing the cause; and therefore the Commons have judged it the best way, before they enter into the argument of defence of their rights in this matter, to propose to your Lordships, the putting off the proceedings in that matter for some short time; that so they may, according to his Majesty's advice, give a dispatch to some bills now before them, of great importance to the King and kingdom; which being finished, the Commons will be ready to give your Lordships such reasons against those proceedings, and in defence of their rights, as we hope may satisfy your Lordships, that no such proceedings ought to have been.

Resolved,

Resolved, That a message be sent to the Lords, to desire a conference, to preserve the good correspondence between the two houses.

Resolved, That whosoever shall prosecute any appeal before the Lords, against any Commoner of *England*, from any court of equity, shall be deemed a betrayer of the rights and privileges of the Commons of *England*; and shall be proceeded against accordingly: And the resolution ordered to be affixed in the *Lobby, Westminster-Hall-Gate*, and all inns of court and chancery; and then adjourn'd till next morning, *Nov. the 20th.*

Die Sabbati, November 20.

Ordered, That *Dr. Thomas Shirley* be taken into custody by the serjeant at arms attending this house, as also *Sir Nicholas Stanton*, for serving *Mr. Onslow* with an order to attend the Lords; and then adjourned to *Monday, Nov. 22.*

On *Saturday, Nov. 20. 1675.* *Dr. Thomas Shirley* appeared at the bar of the house of Lords, and his Counsel *Mr. Wallop* appearing, who would have excused himself, but was ordered to appear again on *Monday* morning next, to plead the cause; and the other two counsel (one being in the country, and the other sick) were excus'd: and the said *Dr. Shirley, Sir Nicholas Stanton* and *Mr. Wallop*, were ordered to have the protection of the house: And upon debate of the Commons vote made yesterday,

Ordered, That the paper posted up in several places, signed by *William Goldbro*, Cler. Dom. Com. against the judicature of the house of Peers, in cases of appeals from courts of equity, is illegal, unparliamentary, and tending to the dissolution of the government. And then upon consideration of the said vote of the Commons, it was proposed by *Lord Mobun*, to make an address to his Majesty to dissolve the Parliament, and call another, and frequent

quent Parliaments; and upon debate thereof about eight o'clock at night they came to this question, and carried it by two votes only, that there should be no address; the numbers being fifty and forty-eight: And then adjourned to *Monday*.

On which day the house being met, a message was sent by his Majesty, for the house to attend him forthwith in the house of Peers; which the house accordingly did, when his Majesty passed three bills, and the Lord-Keeper, by his Majesty's order, prorogued both houses of Parliament, till the 15th day of *February* come twelvemonth, 1676; which ended the dispute.

The Protestation, with reasons of several Lords for the dissolution of this Parliament, entered in the Lords journal, November 22d, 1675. the day the Parliament was prorogued.

WE whose names are underwritten, Peers of this Realm, having proposed, *That an humble address might be made to his Majesty from this house, that he would be graciously pleased to dissolve this Parliament*, and the house having carried it in the negative; for the justification of our loyal intentions towards his Majesty's service, and of our true respect and deference to this honourable house; and to shew that we had no sinister and indirect ends in this our humble proposal, do with all humility herein set forth the grounds and reasons why we were of opinion, that the said humble address should have been made.

1. We do humbly conceive, that it is according to the ancient laws and statutes of this realm; that there should be frequent and new Parliaments, and that the practice of several years hath been accordingly.

2. It

2. It seems not reasonable, that any particular number of men should for many years ingross so great a trust of the people, as to be their representatives in the house of Commons; and all other the gentry, and the members of corporations of the same degree and quality with them, should be so long excluded. Neither, as we humbly conceive, is it advantageous to the government, that the counties, cities, and boroughs, should be confined for so long a time, to such members as they have once chosen to serve for them; the mutual correspondence and interests of those who chuse and are chosen, admitting of great variations in length of time.

3. The long continuance of any such as are entrusted for others, and who have so great a power over the purse of the nation, must, in our humble opinion, naturally endanger the producing of factions and parties, and the carrying on of particular interests and designs, rather than the publick good.

And we are the more confirmed in our desires for the said humble address, by reason of this unhappy breach fallen out between the two houses, of which the house of Peers hath not given the least occasion; they having done nothing but what their ancestors and predecessors have in all times done, and what is according to their duty, and for the interest of the people that they should do: Which notwithstanding, the house of Commons have proceeded in such an unprecedented and extraordinary way, that it is, in our humble opinion, become altogether unpracticable for the two houses, as the case stands, jointly to pursue those great and good ends for which they were called.

For these reasons, we do enter our protestation against and dissent unto the said vote.

<i>Buckingham.</i>	<i>Berks.</i>	<i>Wharton.</i>
<i>Winchester.</i>	<i>Clarendon.</i>	<i>Peter.</i>
<i>Salisbury.</i>	<i>Shaftsbury.</i>	<i>Mohun.</i>
<i>Bridgewater.</i>	<i>Faulconbridge.</i>	<i>De la Mer.</i>
<i>Dorset.</i>	<i>Hallifax.</i>	<i>Townsend.</i>
<i>Westmoreland.</i>	<i>Yarmouth.</i>	<i>Grey of Rolston.</i>
<i>Chesterfield.</i>	<i>Newport.</i>	
<i>Stamford.</i>	<i>Sandys.</i>	

These were all the Lords that were in the house, early enough to sign the protestation before the Parliament was prorogued.

THE DEBATE or arguments for dissolving this present Parliament, and the calling frequent and new Parliaments: As they were delivered in the house of Lords, November 20, 1675.

First printed in the year 1675.

THAT it is according to the constitution of the government, the ancient laws and statutes of this realm, that there should be frequent and new Parliaments, and the practice of all ages, till this last, hath been accordingly: Parliaments, both long before, and after the conquest, were held three times a year; viz. *Easter, Whitsuntide, and Christmas*, during the space of eight days for each time; and so continued with some variation, as to the times of calling, and length of holding; but always very short untill the reign of *Ed. III.* in the fourth year of whose reign there was a law made,
That

That Parliaments should be holden every year once, or more often : And how this law is to be understood, whether of a new Parliament every year, or calling the old, is most manifest, by the practice not only of all the ages before, but of some hundreds of years since that law ; prorogations or long adjournments, being a thing never heard of until later years.

And it is most unreasonable that any particular number of men should for many years ingross so great a trust of the people, as to be their representatives in the house of Commons ; and that all other the gentry, and the members of corporations, of the same degree and quality with them, should be so long excluded. Neither is it agreeable with the nature of representatives to be continued for so long a time, and those that chuse them, not to be allowed frequent opportunity of changing the hands in which they are obliged to put so great a trust ; the mutual correspondence and interests of those who chuse and are chosen admitting of great variations in length of time : How many in this present house of Commons are there, whose business and acquaintance has not given them the occasion of the correspondence of one letter (for these many years) with any person of those places for whom they serve ? How many may there be in future Parliaments, if continued as long as this, that may be Protestants when they are chosen, and yet may come, in so many years, justly to be suspected to have changed their religion ? Nay, how many in this present Parliament are there who were chosen by the people when they were of the same adequate interest with them, and in length of time, by the favour and goodness of the Prince, and their own great merits, are become officers about the court, and in the revenue ? This is not spoken to reflect on them, for many of them have behaved themselves very worthy of those places ; but yet themselves cannot say, that they are equally as free to act for those that chose them, as they were before :

before : Nor are they of the same interest as when they were chosen ; for now they gain and have the advantage by the peoples payments : And if they should say, they are the same men they were, we may call their fellow members that have sat with them to witness, whether the proverb be not true, that *Honores mutant Mores* ; whether they have the same opinion and the same freedom they had before. Nay, may it not be said without offence, that even in this house of Commons there are not a few, who when they were chosen were looked upon as men of estates, and are either since grown, or discovered to be of that indigent condition, that they are much fitter to receive the publick maintenance, than give the publick money ? And it may be charitably supposed, that those Gentlemen are so modest as to be willing to lay down, if they could, the publick trust. But 'tis most certain, that those places they serve for, would not be willing to continue them in it. There is no question, but 'tis the King's undisputed prerogative to call and end Parliaments when he pleases ; and no man, or number of men, can limit him a time ; but the greatest Prince cannot avoid the being limited by the nature of things : Representatives of the people are necessary to the making laws, and there is a time when it is morally demonstrable, that men cease to be representatives, there being circumstances and properties that distinguish every thing, as well as person in the world. So that to conclude this head, we owe the Prince the observance of his time and place, both for calling and duration of Parliaments ; and the Prince owes us, not only the frequencies of Parliaments, but that our representations should be preserved to us in them.

And farther, if you consider the constitution of our government, where the King as head (from whom all the vital and animal spirits are diffused through the body) has the care of all, whose interest

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is to seek the welfare of the whole, all being his ; the strength of the nation being his strength, their riches his riches, their glory and honour, his glory and honour, and so on the contrary : But lest passion, mistake, flattery, or the ill designs of those about the Prince, should make him go cross to his real, and follow a destructive imaginary interest ; there is an estate of hereditary nobility, who are by birthright the counsellors of the kingdom, and whose interest and business, is to keep the balance of the government steady, that the favourites and great officers exceed not their bounds, and oppress the people, that justice be duly administered, and that all parts of the government be preserved entire ; yet even these may grow insolent (a disease greatness is liable to) or may by offices, dependencies, hopes of preferment, and other accidents, become as to the major part of them, rather the obsequious flatterers of the court, than true supporters of the publick and *English* interest ; and therefore the excellency of our government affords us another estate of men, which are the representatives of the freeholders, cities, principal boroughs, and corporations of *England* ; who by the old law, were to be new chosen once a year, if not oftner, so that they perfectly gave the sense of those that chose them, and were the same thing as if those were present that chose, they so newly coming from them, and so quickly returning to give an account of their fidelity, under the penalty of shame, and no farther trust.

Thus you have in our *English* government, the house of Commons affording the sense, the mind, the information, the complaints, the grievances, and the desires of all those people for whom they serve, throughout the whole nation. The people are thus secure, no laws can be made, nor money given, but what themselves, though at home, fully consent and agree to. The second estate in this government, is
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the Lords, who are the council, the wisdom and judgment of the nation, to which their birth, education, and constant employment, being the same in every Parliament, prepares and fits them. The last and supreme of all is the King, one who gives life and vigour to the proceedings of the other two; the will and desires of the people, though approved by the wisdom and judgment of the Lords, are abortive, unless he bids them be an act.

Human reason can hardly contrive a more excellent government: But if you will alter this government in any of the three parts of it, the disorders and inconveniencies, incident to the nature of such alteration, must necessarily follow: As for instance, the long continuance of any such as are entrusted for others, especially of such as have so great a power over the purse of the nation, must necessarily produce cabals and parties, and the carrying on of private interests and court factions, rather than the publick good, or the true interest either of the King or kingdom. How easily is the privilege of a Parliament-man encreased since the middle of the reign of *Hen. VIII.*? Before it was several times agreed by all the Judges, and observed as the law, That a member and his servants were exempted only from arrests and outlawries, but might be impleaded, sued, and attached by his lands and goods; yet now they must not be sued in any case, nor dispossessed of any thing during the time of privilege; nay, these two last sessions the privilege must extend to exempt them even from the judicature of Parliament itself: As also before the same King's reign, the house of Commons never thought of judicature, as being in the nature of their constitution incapable of it, but since they are not only become Judges of their own privileges, condemning and imprisoning their fellow subjects at pleasure and without an oath, and also Judges of all elections; by which very often they, and not the places, chuse their fellow members: But

But now it is come to that, that the house of Commons pass sentence on the Lords proceedings, make new crimes and add pre-instruments to them by their own authority : If you will ask the reason of this change ; it is plain that Parliaments began in *Hen. VIII's* time to be longer than they ought ; that prince knowing that long Parliaments were fitted to make great changes. They have been too frequent since, but never of that length as this ; besides all this, the long continuance of representatives, renders them liable to be corrupted, and won off from the publick interest ; it gives them time to settle their cabals and interest at court, and takes away the great security the nation has ; that if it be possible to happen that the spiritual Lords, because of their great dependance on the crown, the popish Lords, being under the pressure of so severe laws, together with the court-Lords, and great officers, should in any future age make up a greater number of the house of Lords, and should pass things very prejudicial to the publick, yet all should prove ineffectual, and the nation remains safe in an house of Commons lately chosen, that have not had time to learn new sentiments, or to put off their old principles at a good market. How great has been the modesty of this present house of Commons, that having had the purse of the nation thus long in their hands, as being those that first began the grants of subsidies, aids, &c. to the King, and so by consequence have all the addressees made to them, whenever the wants of the crown (which in this active age are very often) require it, that they have not made use of it, to the prejudice of the publick, or to their own advantage ; It was a very high temptation, and might easily have rendered them in their own opinion more than Lords ; and they are rather to be commended, that they insisted on no higher terms with the Lords house, than wondered at for what they did considering the matter, ground, and the circumstances where-
in

in they stood ; and yet they were certainly mistaken, and not a little forgot themselves, when they would not allow the Lords house a power over the sums in any bill of subsidy or aid that they had once set ; which was not only directly contrary to the interest of the People that chose them, but against the ancient and express rule and custom of Parliament ; whereby it is clear, if the Commons grant five subsidies and the Lords agree but to four, that bill of subsidy need not be sent down to the Commons for their consent to such an alteration. And they certainly were grown very high in their own opinion, and had a very low esteem for the Lords, when they neglected the safety of their best friends in that house, and did almost with scorn refuse the passing of the bill for the more fair and equal trial of Peers, which in several sessions was sent down to them. How great were the apprehensions of all sober and wise men, at every meeting of this present Parliament during these late years ? and how much is to be ascribed to the goodness of our Prince, and to the virtue of the members of this present house of Commons, that honours, offices, pensions, money, employments, and gifts, had not been bestowed and accepted, and the government, as in *France, Denmark,* and other countries, made absolute, and at the will of the prince ? How easily this may be done in future ages, under such princes, and such an house of Commons as may happen, if long and continued Parliaments be allowed for law, may be made some measure of judging by this ; where, though the Prince had no design, and the members of the house of Commons have shewed so great candour and self-denial, yet the best observers are apt to think that we owe it to the strong and opposite factions at court, that many things of great alterations have not passed.

And moreover, it cannot be passed over with silence, nor considered without great thoughts of heart, to what a price a member of the house of Commons

Commons place is come. In former times when Parliaments were short and frequent, the members constantly received their wages, both from their counties and boroughs; many of the poorer boroughs petitioned to be excused from sending members, as not being able to bear their charge, and were so: Laws were made in favour of the gentry, that corporations should compel none but the freemen of their own town to serve for them; nay, you shall find in all the ancient returns of writs for Knights of the shires, their sureties for their appearance returned with them. But now the case is altered, 1500 *l.* and 2000 *l.* and lately 7000 *l.* is a price men pay to be entrusted: 'Tis to be hoped the charity of those worthy persons, and their zeal for the publick interest, has induced them to be at this expence: But it were better to be otherwise; and there is a scurvy *English* proverb, *That men that buy dear, cannot live by selling cheap.* And besides all these, the very privilege of the members, and of those they protect in a Parliament of so long duration, is a pressure that the nation cannot well support it self under: So many thousand suits of law stopt, so vast a sum of money withheld from the right owners, so great a quantity of land unjustly possessed, and in many cases the length of time securing the possession, and creating a title: And it is an observation not unworthy the making, that all this extent of privilege beyond its due bounds has first risen from the members of the house of Commons: that house to this day pretends to forty days privilege before and after Parliament, the house of Lords but twenty, and yet the privilege of Parliament is the same to both: And if the house of Commons obtain their forty days to become law and custom, the Lords will certainly enjoy the same privilege; but the cure of this evil is very easy in frequent and short Parliaments; the members will affect no larger privileges than are necessary and useful to them; for

such as oppress and injure others, cannot expect a second choice, and the present time is but short.

To all this there are two objections that make a great sound, but have really nothing of weight in them: The first objection is, *That the crown is in danger if you call a new Parliament*; if these men be in earnest that urge this, it were to be wished they would consider well what are the men are likely to be chosen, and they are not difficult to be guess'd at through the whole kingdom; men of quality, of estates, and of the best understanding; such will never affect, change, or disturb the King's government: A new Parliament will be the nation, and that will never stick at small matters to render themselves acceptable to their prince. Would the King have acquaintance with his people? *This is his way*. Would he have yet more, the love of his people? *Thus he is sure to have it*. Would the King have a considerable sum of money to pay his debts, and put him at ease? *Thus he cannot fail of it*; nay he shall have it as a pledge of endearment between him and his people; they give it themselves, and they know the King receives it as from them. *The English nation* are a generous people, and have at all times expressed themselves ready to supply even the humours and excesses of their princes, and some of the best beloved princes we have had were such as by war, or otherwise, put us to the most expence: Witness *Edw. I. Edw. III. and Hen. V.* but then always they were satisfied that the honour of the nation was preserved; and whatever private or personal excesses the prince had, yet the nation was secure, there was no design upon them, neither should their money or their strength be used against them: *All this is the happiness of our present state under our most gracious King*. But how shall the people know and be secure it is so, but by those they annually send up to Parliament from among themselves? Whereas if the King should have a great sum of money

money given by this Parliament, it would be looked upon as theirs, not as the peoples gift ; and the best of men with their circumstances cannot avoid the suspicion, when they give much to have received some ; and men will not chearfully undergo the burthen of a tax, and their own wants in the time of this general poverty, when they apprehend others have the thanks, and perhaps the reward of their sufferings.

The second objection is, with great apprehensions and passion, urged by the Bishops, *That the Church and the Parliament fall together.* Which objection, how vain it is, you will easily confess, if (as we said before) the persons who are like to be chosen be considered, the dissenting protestants may very probably find more favour and ease, but the church can never suffer, either in her lands or dignities she now enjoys, by an house of Commons consisting of men of the best quality and estates in *England*, as the next certainly will be. But, on the other side, what do the Bishops mean by this assertion? Most certainly it is not their intent to make the interest of the church and the nation direct opposites, and inconsistent one with the other ; and yet in saying this they confess, that this house of Commons are not the true representatives of those they serve for ; that the people and they are of different minds ; that if they were to chuse again, they would chuse other men of other sentiments ; and it must be confessed, that whatever is not natural, is by force, and must be maintained by force. A standing Parliament and a standing army are like those twins that have their lower parts united, and are divided only above the navel ; they were born together, and cannot long out-live each other. Certainly that man is no friend to the church, that wishes a third incorporated with those two.

To conclude this debate, the continuance of this present Parliament any longer is impracticable ; the

breach this house of Commons has made upon the Lords, is as unlikely to be repaired with these present men, as it is to be renewed by another house of Commons of a new election. If you consider the power, the courtship, and the addresses that these men have for so many years enjoyed and received, they may almost be forgiven, if they think themselves greater men than the Lords in the higher house; besides, it is very well known that many of the ablest and most worthy patriots amongst them have carried this difference to the greatest height, with this only design, that by this means they might deliver the nation from the danger and pressure of a long continued Parliament; whereas a new chosen house of Commons, especially if it were fixed, and known that it could not remain long, could not be apprehended to have any affectation to exceed their just bounds, nor to renew a contest where the interest of the people is manifestly on the Lords side; for besides the undoubted right and constant practice that the Lords enjoy in the case of appeals from courts of equity, all other expedients, when well considered, give the crown, the favourites and ministers, the power over every man's estate in *England*.

Thus you see it is the interest of all sorts of men to have a new Parliament: This will give the King constant and never failing supplies, with the hearts and good will of his people: This will not only preserve the church in the honours, dignities, and revenues she now enjoys, and make her the *protectrix* and *asylum* of all the protestants through *Europe*, but will also increase the maintenance of the ministry in corporations and great towns, which is now much wanting, and of great concern to the church. This will procure the dissenting protestants ease, liberty, and protection: The papists may justly expect by this, to be diverted from that grievous pressure of penal laws they lie under, if they can be contented with

with being deprived of access to court, bearing office or arms: The great Officers and Ministers may under this enjoy their places undisturbed and in quiet, and be secure with a moderate conduct and reasonable condescensions, to attain that in a new Parliament, which they have by experience found is impossible in the old. In a word there is not to be imagined an interest against this, unless there be an inveterate party still remaining in the world, who to compass their revenge, and repair their broken fortunes, would hope to see the *Act of Oblivion* set aside, and this happy monarchy turned into an absolute, arbitrary, military government; but charity bids us hope there are no such men.

The Duke of BUCKINGHAM's Speech for a Toleration.

My Lords,

THERE is a thing called *Liberty*, which (whatsoever some men may think) is that the people of *England* are fondest of; it is that they will never part with, and is that his Majesty in his speech has promised us to take a particular care of. This, *my Lords*, in my opinion, can never be done without giving an indulgence to all protestant dissenters. It is certainly a very uneasy kind of life, to any man that has either christian charity, humanity, or good nature, to see his fellow-subjects daily abused, divested of their liberties and birth-rights, and miserably thrown out of their possessions and freeholds, only because they cannot agree with others in some opinions and niceties of religion, which their consciences will not give them leave to consent to; and which, even by the confession of those who would impose upon them, are no ways necessary to salvation. But, *my Lords*, besides this, and all that may be said upon it, in order to the improvement

of our trade, and increase of the wealth strength, and greatness of this nation (which, with your leave, I shall presume to discourse of some other time) there is, methinks, in this notion of persecution a very gross mistake, both as to the point of government, and the point of religion. There is so as to the point of government, because it makes every man's safety depend on the wrong place; not upon governors, or man's living well towards the civil government established by law, but upon his being transported with zeal for every opinion, that is held by those that have power in the church that is in fashion; and I conceive it is a mistake in religion, because it is positively against the express doctrine and example of *Jesus Christ*. Nay, *my Lords*, as to our protestant religion, there is something in it yet worse; for we protestants maintain, that none of those opinions, which Christians differ about, are infallible; and therefore it is in us somewhat an inexcusable conception, that men ought to be deprived of their inheritance, and all the certain conveniencies and advantages of life, because they will not agree with us in our uncertain opinions of religion. My humble motion therefore to your Lordships, is, that you would give leave to bring in a bill of indulgence to all protestant dissenters. I know very well that every Peer of this realm hath a right to bring into Parliament any bill he conceives to be useful to this nation: But I thought it more respectful to your Lordships to ask your leave before; and I cannot think the doing of it will be any prejudice to the bill, because I am confident the reason, the prudence, and the charitableness of it, will be able to justify it to this house, and the whole world. Accordingly the house gave his grace leave to bring in a bill to that purpose.

But this, and several other bills depending, were totally interrupted and lost by the revival of the contest

contest between the two houses, concerning Dr. Shirley and Sir John Fagg.

A LETTER from a Parliament-Man, to his
FRIEND.

*Concerning the proceedings of the house of Commons this
last Sessions, begun the 13th of October, 1675.*

First printed in the year 1675.

S I R,

I see you are greatly scandalized at our slow and confused proceedings. I confess you have cause enough; but were you but within these walls for one half day, and saw the strange make and complexion that this house is of, you would wonder as much that ever you wondred at it: For we are such a pied Parliament, that none can say of what colour we are; for we consist of *old Cavaliers, old Round-heads, indigent Courtiers, and true country Gentlemen*; the two latter are most numerous, and would in probability bring things to some issue, were they not clogged with the humorous uncertainties of the former. For the *old Cavalier*, grown aged, and almost past his vice, is damnably godly, and makes his doating piety more a plague to the world, than his youthful debauchery was; for he is so much a bigot to the B—— that he forces his loyalty to strike sail to his religion, and could be content to pare the nails a little of the civil government, so you would but let him sharpen the ecclesiastical talons; which behaviour of his so exasperates the *Round-head*, that he on the other hand cares not what increases the interest of the crown receives, so he can but diminish that of the mitre: So that the *Round-head* had rather enslave the man, than the conscience; the *Cavalier* rather the conscience, than the man;

there being a sufficient stock of animosity as proper matter to work upon.

Upon these therefore the courtier mutually plays : For if any anti-court motion be made, he gains the *Round-heads* either to oppose or absent, by telling them, *If they will join him now, he will join with them for liberty of conscience.* And when any affair is started on the behalf of the country, he assures the *Cavaliers*, *If they will then stand by him, he will then join with them in promoting a bill against the Fanatics.* Thus play they on both hands, that no motion of a publick nature is made, but they win upon the one or other of them ; and by this art gain a majority against the *country Gentlemen*, which otherwise they would never have : Wherefore it were happy that we had neither *Round-head* nor *Cavalier* in the house ; for they are each of them so prejudicate against the other, that their sitting here signifies nothing but their fostering their old venom, and lying in catch to snap every advantage to bear down each other, though it be to the destruction of their country.

For if the *Round-heads* bring in a good bill, the *old Cavalier* opposes it ; for no other reason, but because they brought it in. So that as the poor *English* silk-weavers are fain to hire a *Frenchman* to sell their ribbons ; so are the *Round-heads* a *Cavalier*, to move for those bill they desire should pass ; which fours the *Round-head*, that he revenges that carriage upon any bill the *Cavalier* offers ; and the rage and passion of the one and other are so powerful, that it blinds them both, that neither perceives the advantage they give the *Courtier*, to abuse both them and their country too : So that if either of them do any good, it is only out of pure envy against the other. Thus you see how we are yoked, and seeing this, you may cease your admiration that we offer at all, and do just nothing.

Nor

Nor is this division alone of the house, all we have to lament (for death, that common cure, does now every day lessen this evil) but that which is more our misery is, that those Gentlemen who are truly for the good of their country, will not be persuaded to stand upon the sure basis of rational principles, (like workmen too presumptive of their judgments, that will not build by rule) but rather affect the most loose standing, on the sandy foundation of heat and humour; by reason of which they often do as much harm as good, and yet perceive it not; this is the fore evil we are under. For I would not doubt the country's carrying it from the court, in every vote, let the *Courtiers* use all the art they could, would the *country Gentlemen* but give themselves the trouble to inform their understandings a little, and not suffer themselves to be hurried by a heedless inadvertency into vulgar notions; which, if well examined, are directly contrary to their honest intentions: For lack of which they totally mistake their interest, fall foul on their friends, support their enemies, and carry on the designs of the court, whilst they aim at the service of their country. For if they would take the pains but to think what is the greatest enemy in the world, that *English* law and liberty always had, still hath, and ever must have; it may be the result of such a thought would say, it was encroaching prerogative. Well, if then they would but beg from themselves so much seriousness, as to think this second thought, how to check this prerogative, which is so dangerous an enemy to our laws and liberties, peradventure that thought would answer, *In suppressing all they could its creatures and dependents, and supporting such whose interest it is to keep prerogative within its just bounds.* Now, could they be prevailed with but to think a third thought, it would land them at the full and satisfactory solution of the question, and would hold in every thing. But I will put it in a case wherein we are most apt

to err, and wherein we reckon it no less than piety to play the fool, to the end you may see how miserably we are cheated and abused, by sucking in the untried notions that Education, the arts of others, or our own ignorance have imposed upon us.

The third thought therefore shall be this : *Which are most the creatures and supporters of groundless prerogative, prelates, or dissenting protestants?* The answer to which must, and can be no otherwise, the prelates. Well then, if we would now reduce this to practice, and say, *the greatest friends to prerogative are the prelates, the greatest enemy to our laws and liberties is prerogative* ; the only way therefore to restrain prerogative, is to do, what ? To fortify and strengthen the yoke of the prelates over the neck of the people ? No : (surely this were an odd and a barbarous kind of reasoning) but to give liberty to *dissenting protestants, as the best means to keep up the balance against boundless prerogative*. For these must and never can be otherwise (unless by accident, and by mistake) than friends to liberty : But the prelates neither are nor can be otherwise than creatures to prerogative ; for all their promotions, dignities, and domination depends upon it.

The same might be said concerning the only ancient and true strength of the nation, the legal militia, and a standing army. The militia must, and can never be otherwise than for the *English* liberty, because else it doth destroy it self ; but a standing force can be for nothing but prerogative, by whom it hath its idle living and subsistence. I could instance also in many other particulars, but our inadvertency in this is demonstration enough how much we are cheated by the common and hackney notions imposed upon us ; and this is almost the cause of all the error we commit. For missing our true footing, you see we have run in the mistaken notion of being for the church so long, till we have almost destroyed the state ; and advanced prerogative so much by suppressing

suppressing nonconformity, that it's well nigh beyond our reach or power to put a check to it; and had not time, and but an indifferent observation, shewed us how much we were abused in this matter, and that a lay-conformist and a fanatic can live as quietly and neighbourly together (would the prelates but suffer them) as any in the world, we had ruined ourselves past all recovery. For by our buoying up the Bishops in the harsh and irreconcilable spirit, instead of healing, we have so fed and nourished the discontents throughout the kingdom, that I think nothing keeps the fire from flaming out a fresh in another intestine war, but the bare circumstance of opportunity only; and how long that will be able to restrain passions that are made wild by oppression, is worthy a serious consideration; and therefore there is hardly any thing more a wonder to wise men, than to see the clergy run at this rate upon the dissenters. Wherefore since the non-conformists have given so large and ample a testimony of their willingness to live peaceably, if yet notwithstanding the clergy will not suffer them to be quiet in their families and their houses, I doubt, they may at one time or other drive them into the field, and then it may exceed their divine art to conjure them down again; for he sees but little, that sees not the *English* temper is better to be led than driven. And therefore I think it would not be more a vanity to compel the Ladies to wear Queen *Elizabeth's* ruff, than to force the nonconformists to be drest in her religion.

Nor yet are these all the arts we are under: For we have a gang that huff, and bear themselves high on the country side, but earn only for the court; these lay out their craft in putting the house upon little trifling things, and spend and waste the mettle thereof upon such pitiful peccadilloes, as 'tis next to a shame for an *English* Parliament so much as to mention. These start a fierce dispute about some little matter, and keep a bluster as if none were such
faithful

faithful patriots as they, when they do it on purpose only to while out the time and thin the house, by tiring the honest country gentry in so tedious, fruitless, and trifling attendance. Do but move things worthy a Parliament ; as that *we have our own old rights of annual Parliaments ascertained : That none that are or shall be bribed by any place or office, shall ever sit in this house : That Parliaments ought not to be prorogued, adjourned or dissolved, till all petitions are heard, and the aggrivances of the people redressed,* with many things more of as great importance ; O then, forsooth, their pretended loyalty (which in plain *English* is easily understood) will not abide such unmannerly and clownish debates as these, and twenty such little shreds of nonsense are impertinently urged instead of argument.

But farther, these country-court engines, after they have taken the measures of the house, at the opening of every session, by our thanks for the gracious speech, which being the true pulse of the house, if it happen to come so hard as speaks us but faint and cool to the one thing necessary, (*the matter of the money*) then they know what will follow, that the court will get no grist that sessions ; and though the court in indignation could turn them home on the morrow, yet it must consult it's reputation a little, restrain it's resentments, and suffer them to sit about a six weeks, or two months, and then they assure the court, since they can get no good by them, they shall take no harm ; and therefore to stop them from some worthy undertaking, by their feigned zeal against court corruptions, put them upon impeaching some treasurer, counsellor, or minister of state, and having spent half our time about this, the rest is spent for the clergy upon church work, which we have been so often put upon and tired with these many sessions : Though partiality unbecomes a Parliament, who ought to lay the whole body that we represent alike easy, non-conformists, as well as conformists ; for we were
chosen

chosen by both, and with that intention that we should oppress neither. To lay one part therefore of the body on a pillow, and the other on a rack, forts our wisdom little, but our justice worse. You now see all our shapes, save only the indigents, concerning whom I need say but little, for their votes are publicly saleable for a guinea, and a dinner every day in the week, unless the house be upon money, or a minister of state: For that is their harvest; and then they make their earnings suit the work they are about, which inclines them most constantly as sure clients to the court. For what with gaining the one, and saving the other, they now and then adventure a vote on the country side; but the dread of dissolution makes them strait tack about. The only thing we are obliged to them for, is, that they do nothing *gratis*, but make every tax as well chargeable to the court as burthensom to the country, and save no man's neck, but they break his purse. And yet when all is said, did but the country gentry rightly understand the interest of liberty, let the courtiers and indigents do what they could, they might yet at last deserve the name of a worthy *English* Parliament; which that we may do, is not more passionaetly your desire, than it also is of,

S I R,

Your most humble Servant,

J. E.

On

On the 22d day of November the Parliament was prorogued till the 15th day of February come twelve-month.

The sixteenth session.

The Parliament met according to prorogation, the 15th day of February, 1676-7; when the King made the following speech to both houses.

My Lords and Gentlemen,

The King's speech.

‘ I Have called you together again after a long
 ‘ prorogation, that you might have an opportunity to repair the misfortunes of the last session,
 ‘ and to recover and restore the right use of Parliaments. The time I have given you to recollect
 ‘ your selves in, and to consider whither those differences tend, which have been so unhappily managed and improved between you, is enough to
 ‘ leave you without all excuse, if ever you fall into the like again. I am now resolved to let the
 ‘ world see, *That it shall not be my fault, if they be not made happy by your consultations in Parliament.*
 ‘ For I declare my self very plainly to you, that I am prepared to give you all the satisfaction and
 ‘ security in the great concerns of the protestant religion, as it is established in the church of *England*,
 ‘ that shall reasonably be asked, or can consist with christian prudence; and I declare my self as freely,
 ‘ that I am ready to gratify you in a farther security of your liberty and property (if you can
 ‘ think you want it) by as many good laws as you shall propose, and as can consist with the safety of
 ‘ the government, without which there will neither be liberty or property left to any man.

‘ Having thus plainly told you what I am ready to do for you, I shall deal as plainly with you again, and tell you what it is I do expect from you.

‘ First

First I do expect and require from you, *That all occasions of differences between the two houses be carefully avoided*; for else they who have hopes to prevent your good resolutions, will hope, by this reserve, to hinder them from taking any effect. And let all men judge who is most for arbitrary government, they that foment such differences as tend to dissolve Parliaments; or I that would preserve this and all Parliaments from being made useless by such dissentions. In the next place I desire you to consider the necessity of building more ships, and how much all our safeties are concerned in it. And since the additional revenue of excise will shortly expire, you that know me to be under a great burden of debts, and how hard a shift I am making to pay them off as fast as I can, I hope will never deny me the continuance of this revenue, and some reasonable supply to make my condition more easy. And that you may be satisfied how impossible it is (whatsoever some men think) to support the government with less than the present revenue, you may at any time see the yearly established charge; by which it will appear, that the constant and unavoidable charge being paid, there will remain no overplus towards the discharging those contingencies which may happen in all kingdoms, and which have been a considerable charge to me this last year. To conclude, I do recommend to you the peace of the kingdom, in providing some greater strength at sea; and the prosperity of the kingdom, in assisting the necessary charge and support of the government. And if any of these good ends should happen to be disappointed, I call God and men to witness this day, *That the misfortune of that disappointment shall not lie at my door.* The rest I refer to the Chancellor.

Whereupon

Whereupon the Chancellor made a long and eloquent Speech, the greatest part of which seems necessary to be remembred.

My Lords and Gentlemen,

The Chan-
cellor's
Speech.

BY the most gracious pleasure of the King, You are herein again assembled to hold another session of this Parliament; wherein the King expects your advice and your assistance; your advice in matters of the highest deliberation, your assistance in matters of extreme and pressing difficulty. Your deliberations will chiefly be exercised about those things which belong to your peace, the peace of the church, and the peace of the state; two considerations so close a connexion between themselves, that in the very *original writ of summons*, by virtue of which you still sit here, they are jointly recommended to your counsel and your care. The peace of the church is harder to preserve than the peace of the state; for they who desire innovations in the state most commonly begin the attempt upon the church. And by this means it comes to pass, that the peace of the church is so often disturbed, not only by those poor mistaken souls, who deserve to be pitied, but by malicious and designing men, who deserve to be punished: And while things continue in this estate, it cannot be avoided but that the laws which are necessary to restrain the malicious, must and will sometimes disquiet and wound those that are weak. What remedies are fit for this disease, whether the fault be in the laws, or the men, in the men that should obey, or in the men that should execute; whether the cure be a work of time and patience, or of zeal and diligence; or whether any new expedient can be found to secure the ship from that storm which the swelling of two contrary tides seems to threaten, is wholly left to your advice: The King hath called you for that end, and doubts not

not but your counsels will be such as shall tend to safety and to establishment.

The Peace of the state requires as much of your care and vigilance too: Our peace at home, and our peace abroad. As for that abroad, we are at this time, blessed be God for his mercy to us, and the King for his care of us, in perfect peace with all nations upon earth: Such a peace as makes us the envy of the christian world, and hath enabled us to do ourselves right against the infidels: Such a peace as brings with it all the fruits of peace, and deserves not only our prayers for the continuance of it, but our best and most watchful care that nothing may be done on our part to give it an interruption. But then we must consider again, that our peace abroad will not subsist any longer than while we maintain our peace at home: For without this no kingdom can be able to act in its full strength; and without that the friendship or enmity of any nation ceases to be considerable to its neighbours. Now 'tis a great and dangerous mistake in those, who think the peace at home is well enough preserved, so long as the sword is not drawn; whereas in truth nothing deserves the name of peace but unity: Such an unity as flows from an unshaken trust and confidence between the King and his people, from a due reverence and obedience to the laws, and to his government, from a religious and awful care, not to remove the ancient land-marks, not to disturb those constitutions which time and the public convenience hath settled, from a zeal to preserve the whole frame and order of the government upon the old foundations, and from a perfect detestation and abhorrency of all such as are given to change: Whatever falls short of this, falls short of peace too. If therefore there be any endeavours to renew, nay if there be not all possible endeavours to extinguish the memory of all former provocations and offences, and the occasions of the like for the future; shall we

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call this peace, because it is not war, or because men do not yet take the field? As well may we call it health, when there is a dangerous fermentation in the blood and spirits, because the patient hath not yet taken his bed.

Then laying open the difficulties with relation to the weakness of the fleet and the King's particular debts, he proceeded thus: One difficulty more there is, without which all the rest were none, and that is the strange diffidence and distrust, which, like a general infection, begins to spread it self through all the corners of the land. Much of this rises from the artifice of ill men, who create and nourish all the suspicions they can devise; but the cure of it lies perfectly in your hands; for all will presently vanish as soon as men shall see your acquiescence, and the fruits of it, in a chearful concurrence with his Majesty to all these good and public ends which he hath now so earnestly recommended to you. It would be somewhat strange, and without all example in story, that a nation should be twice ruined, twice undone, by the self-same ways and means, the same fears and jealousies. Will any man that but gives himself leave to think, refuse to enjoy and take comfort in the blessings that are present, only for fear of future changes and alterations? Surely it is enough for any kingdom, and more than most kingdoms of the world can boast of, to have their affairs brought into such condition, that they may, in all human probability and unless by their own default, continue a long time safe and happy. Future contingencies are not capable of any certain prospect: A security beyond that of human probability, no nation ever did or ever shall attain to. If a kingdom be guarded by nature against all dangers from without, and then will rely too much upon what nature hath done for them; if a kingdom be warned and cautioned from all dangers within, by former experiences; if a kingdom be power-
ful

ful in shipping and navigation, and then see their neighbours endeavouring to over-power them that way, without being solicitous to augment and reinforce their own naval strength; if a kingdom be happy in the frequent assemblies of their great councils, where all that is grievous may be redressed, and all that is wanting may be enacted, and then will render those councils useless and impracticable, by continuing endless distractions; who can wonder if their affairs should begin to be less prosperous, when otherwise, humanly speaking, and in all common probability, their condition would have been out of the reach of fortune, and their security in a manner impregnable?

My Lords and Gentlemen, If the presaging malice of our enemies should portend any such fate as this to befall us, the wisdom and magnanimity of this great council will quickly be too hard for all their auguries: The honour and loyalty of this august and venerable assembly will leave no kind of room for such divinations. You that have the happiness to live under so excellent a monarchy, so admirable a constitution and temper of government: You that remember what the want of this government cost us, and the miserable desolations which attended it, have all the motives, and are under all possible obligations to secure and advance the interest of it. The King on his part meets you with so open and full a heart, and so absolutely resolved to do his utmost to *glad the hearts of his people*, that it must be the strongest infelicity in the world, if either he or his subjects should meet with any disappointments here. For the King hath no desires but what are publick, no ends or aim which terminate in himself; all his endeavours are so entirely bent upon the welfare of his whole dominions, that he doth not think any man a good subject who doth not heartily love his country: And therefore let no man pass for a good patriot, who doth not heartily love and serve his

VOL. I. O Prince.

prince. Private men indeed are subject to be misled by private interests, and may entertain some vain and slender hopes of surviving the publick; but a Prince is sure to fall with it, and therefore can never have any interests divided from it. To live and die with the King is the highest profession a subject can make, and sometimes it is a profession only and no more; but in a King it is an absolute necessity, it is a fate inevitable, that he must live and die with his people. Away then with all the vain imaginations of those who infuse a misbelief of the government; away with all those ill meant distinctions between the court and the country, between the natural and the politic capacity; and let us all who go about to persuade others that there are several interests have a care of that precipice to which such principles may lead them: For the first men that ever began to distinguish of their duty, never left off till they had quite distinguished themselves out of their allegiance. Let no contention then come near this place, but that of a noble emulation who shall serve his country best, by well serving of the King; let no passions enter here, but that of a pious zeal to lay hold upon all opportunities of promoting the honour and service of the crown, till our enemies despair of ever profiting by any disorders amongst us. And let all who pray for the long life and prosperity of the King add their endeavours to their prayers, and study to prolong this sacred life, *by giving him all the joys of heart which can arise from the demonstrations of the lively and the warm affections of his people.*

This rhetorical speech was shortly after succeeded by one of another kind, delivered by the duke of *Buckingham*, who before had been prepared to dispute the validity and essence of the present Parliament; therefore as soon as the Commons were withdrawn from the upper house, and a bill offered to be read, his grace stood up, and with great briskness desired
heard first. *The*

The Duke of BUCKINGHAM's Speech in the house of Lords, to prove the Parliament dissolved.

My Lords,

I Have often troubled your Lordships with my discourse in this house; but I confess I never did it with more trouble to my self, than I do at this time, for I scarce know where I should begin, or what I have to say to your Lordships: On the one side, I am afraid of being thought an unquiet and pragmatical man; for in this age every man that cannot bear every thing, is called unquiet; and he that does ask questions, for which we ought to be concerned, is looked upon as pragmatical. On the other side, I am more afraid of being thought a dishonest man; and of all men, I am most afraid of being thought so by my self; for every one is the best judge of the integrity of his own intentions; and tho' it does not always follow, that he is pragmatical whom others take to be so, yet this never fails to be true, that he is most certainly a knave who takes himself to be so. No body is answerable for more understanding than God Almighty has given him; and therefore, tho' I should be in the wrong, if I tell your Lordships truly and plainly what I am really convinced of, I shall behave my self like an honest man: For it is my duty, as long as I have the honour to sit in this house, to hide nothing from your Lordships, which I think may concern his Majesty's service, your Lordships interest, or the good and quiet of the people of *England*.

The question, in my opinion, which now lies before your Lordships, is not what we are to do, but whether at this time we can do any thing as a Parliament, it being very clear to me that the Parliament is dissolved: And if in this opinion, I have the misfortune to be mistaken, I have another mis-

*The Duke
of Bucking-
ham's Speech.*

fortune joined to it, for I desire to maintain the argument with all the Judges and Lawyers in *England*, and leave it afterwards to your Lordships to decide whether I am in the right or no. This, my Lords, I speak not out of arrogance, but in my own justification, because if I were not thoroughly convinced that what I have now to urge, is grounded upon the fundamental laws of *England*, and that the not pressing it at this time might prove to be of a most dangerous consequence, both to his Majesty and the whole nation, I should have been loth to start a notion, which perhaps may not be very agreeable to some people. And yet, my Lords, when I consider where I am, whom I now speak to, and what was spoken in this place about the time of the last Prorogation, I can hardly believe what I have to say will be distastful to your Lordships.

I remember very well, how your Lordships were then displeased with the house of Commons, and I remember too as well, what reasons they gave to you to be so. It is not so long since, but that I suppose your Lordships may call to mind, that after several odd passages between us, your Lordships were so incensed, that a motion was made here for an address to his Majesty, about the dissolution of this Parliament; and though it failed of being carried in the affirmative by two or three voices, yet this in the debate was remarkable, that it prevailed much with the major part of your Lordships that were here present, and was only overpowered by the proxies of those Lords who never heard the arguments. What change there has been since, either in their behaviour, or in the state of our affairs, that should make your Lordships change your opinion, I have not yet heard. And therefore if I can make it appear (as I presume I shall) that by law the Parliament is dissolved, I presume your Lordships ought not to be offended at me for it.

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I have often wondered how it should come to pass that this house of Commons, in which there are so many honest, and so many worthy gentlemen, should yet be less respectful to your Lordships, as certainly they have been, than any house of Commons that were ever chosen in *England*; and yet if the matter be a little enquired into, the reason of it will plainly appear. For, my Lords, the very nature of the house of Commons is changed; they do not think now that they are an assembly that are to return to their own homes, and become private men again (as by the laws of the land, and the ancient constitution of Parliaments they ought to be) but they look upon themselves as a standing senate, and as a number of men picked out to be legislators for the rest of their lives. And if that be the case, my Lords, they have reason to believe themselves our equals. But my Lords, it is a dangerous thing to try new experiments in a government: Men do not foresee the ill consequences that must happen, when they go about to alter those essential parts of it upon which the whole frame depends, as now in our case, the customs and constitutions of Parliament: For all governments are artificial things, and every part of them has a dependance one upon another. And with them, as with clocks and watches, if you should put great wheels in the place of little ones, and little ones in the place of great ones, all the movement would stand still: So that we cannot alter any one part of a government without prejudicing the motions of the whole.

If this, my Lords, were well considered, people would be more cautious, how they went out of the old, honest, *English* way and method of proceeding. But it is not my business to find faults, and therefore if your Lordships will give me leave, I shall go on to shew you why, in my opinion, *we are at this time no Parliament*. The ground of this opinion of mine is taken from the ancient and unquestionable sta-

tutes of this realm, and give me leave to tell your Lordships, by the way, *That statutes are not like women, for they are not one jot the worse for being old.* The first statute that I shall take notice of is that in the 4th year of *Edward III. chap. 14.* thus set down in the printed book: Item, *It is accorded that a Parliament shall be holden every year once, and more often, if need be.* Now though these words are as plain as a pike-staff, and no man living, that is not a Scholar, could possibly mistake the meaning of them, yet the grammarians of those days did make a shift to explain, that the words, *if need be*, did relate as well to the words *every year once*, as to the words *more often*; and so by this grammatical whimsy of theirs have made this statute to signify just nothing at all. For this reason, my Lords, in the 36th year of the same King's reign, a new act of Parliament was made, in which those unfortunate words, *if need be*, are left out, and that act of Parliament relating to *Magna Charta* and other statutes, made for the publick good. Item, *For maintenance of these articles and statutes, and the redress of divers mischiefs and grievances, which daily happen, a Parliament shall be holden every year, as at other time was ordained by another statute.* Here now, my Lords, there is not left the least colour or shadow for mistake, for it is plainly declared, that the Kings of *England* must call a Parliament once within a year; and the reasons why they are bound to do so, are as plainly set down, namely, *For the maintenance of Magna Charta and other statutes of the same importance, and for preventing the mischiefs and grievances which daily happen.*

The question then remaineth, Whether these statutes have been since repealed by any other statutes or no? The only statutes I ever heard mentioned for that, are the two *triennial bills*, the one made in the last King's and the other in this King's reign.

reign. The *triennial bill* in the last King's reign, was made for the confirmation of the two above-mentioned statutes of *Edward III.* for Parliaments having been omitted to be called every year according to those statutes, a statute was made in the last King's reign to this purpose, *That if the King should fail of calling a Parliament, according to the statutes of Edward III. then the third year the people should meet of themselves, without any writs at all, and chuse their Parliament-men.* This way of the peoples chusing Parliament-men of themselves, being thought disrespectful to the King, a statute was made in this last Parliament, which repealed the *triennial bill*; and after the repealing clause (which took notice only of the *triennial bill* made in the last King's reign,) there was in this statute a paragraph to this purpose: *That because by the ancient statutes of the realm, made in the reign of Edward III. Parliaments are to be held very often, it should be enacted, that within three years after the determination of that present Parliament, Parliaments should not be discontinued above three years at most, and should be holden oftener if need required.* There have been several half kind of arguments drawn out of these *triennial bills*, against the statutes of *Edward III.* which I confess I could never remember, nor indeed those that urged them to me ever durst own: For they always laid their faults upon some body else, like ugly foolish children, whom because of their deformity and want of wit, the parents are ashamed of, and so turn them out on the parish.

But, my Lords, let the arguments be what they will, I have this short answer to all that can be wrested out of these *triennial bills*, *That the first triennial bill was repealed, before the matter now disputed of was in question; and the last triennial bill will not be in force till the question be decided, that is, till the Parliament is dissolved.* The whole matter, my Lords, is reduced to this short dilemma, either

the Kings of *England* are bound by the acts above-mentioned of *Edward III.* or else the whole government of *England* by Parliaments, and by the law above, is absolutely at an end: For if the Kings of *England* have power, by an order of theirs, to invalidate an act made for the maintenance of *Magna Charta*, they have also power, by an order of theirs, to invalidate *Magna Charta* itself; and if they have power, by an order of theirs, to invalidate the statute itself, *de Tallagio non concedendo*; then they may not only, without the help of a Parliament, raise money when they please, but also take away any man's estate when they please, and deprive every one of his liberty or life as they please.

This, my Lords, I think is a power that no Judge or Lawyer will pretend the Kings of *England* have; and yet this power must be allowed them, or else we that are met here this day cannot act as a Parliament. For we are now met by virtue of the last prorogation, and that prorogation is an order of the King's, point-blank contrary to the two acts of *Edward III.* for the acts say, *That a Parliament shall be holden once within a year*; and the prorogation saith, *A Parliament shall not be held within a year, but some months after*; and this (I conceive) is a plain contradiction, and consequently, that the prorogation is void. Now if we cannot act as a Parliament, by virtue of the last prorogation, I beseech your Lordships by virtue of what else can we act? Shall we act by virtue of the King's proclamation? Pray, my Lords, how so? Is a proclamation of more force than a prorogation? Or if a thing that hath been ordered the first time be not valid, doth the ordering it the second time make it good in law? I have heard indeed, *That two negatives made an affirmative*; but I never heard before *that two nothings ever made any thing*.

Well, but how then are we met? Is it by our own adjournment? I suppose no body has the confidence

fidence to say that: Which way then is it? Do we meet by accident? That I think may be granted, but an accidental meeting can no more make a Parliament, than an accidental clapping a crown upon a man's head can make a King. There is a great deal of ceremony required to give a matter of that moment a legal sanction. The laws have reposed so great a trust, and so great a power in the hands of a Parliament, that every circumstance relating to the manner of their electing, meeting, and proceeding, is looked after with the nicest circumspection imaginable. For this reason the King's writs about the summons of Parliament are to be issued out *verbatim*, according to the form prescribed by the law, or else that Parliament is void and null. For the same reason, if a Parliament summoned by the King's writ, do not meet the very same day that it is summoned to meet upon, that Parliament is void and null: And, by the same reason, if Parliaments be not legally adjourned, *de die in diem*, those Parliaments must be also void and null.

Oh! but some say, There is nothing in the two acts of *Edward III.* to take away the King's power of prorogation, and therefore the prorogation is good. My Lords, under favour, this is a very gross mistake: for, pray examine the words of the act; The act says, *A Parliament shall be holden once a year*; now to whom can these words be directed, but to them who are to call a Parliament? And who are they but the Kings of *England*? It is very true, this does not take away the King's power of proroguing Parliaments, but it most certainly limits it to be within a year. Well then, but it is said again, if that prorogation be null and void, then things are just as they were before, and therefore the Parliament is still in being. My Lords, I confess there would be some weight in this, but for one thing, which is, that not one word of it is true: For if when the King had prorogued us, we had
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taken no notice of the prorogation, but had gone on like a Parliament, and had adjourned ourselves *de die in diem*; then, I confess, things had been just as they were before: But since upon the prorogation we went away, and took no care of our selves for our meeting again, if we cannot meet and act by virtue of that prorogation, there is an impossibility of our meeting and acting any other way. One may as properly say, that a man that is killed by assault is still alive, because he was killed unlawfully, as that the Parliament is still alive because the prorogation was unlawful. The next argument that those are reduced to, who would maintain this to be yet a Parliament, is, that the Parliament is prorogued *sine die*, and therefore the King may call them again by proclamation. In the first part of this proposition I shall not only agree with them, but also do them the favour to prove, that it is so in the eye of the law, which I never heard they have yet done; for the statutes say, *That a Parliament shall be holden once in a year*; and the prorogation having put them off till a day without the year, and consequently excepted against by the law, that day, in the eye of the law, is no day at all, that is, *sine die*; and the prorogation might as well have put them off till so many months after doom's-day; and then I think no body would have doubted, but that had been a very sufficient dissolution.

Besides, my Lords, I shall desire your Lordships to take notice, that in former times the usual way of dissolving Parliaments was to dismiss them *sine die*; for the King, when he dissolved them, used to say no more, but that he desired them to go home, till he sent for them again, which is a dismissal *sine die*. Now if there were forty ways of dissolving Parliaments, if I can prove this Parliament has been dissolved by any one of them, I suppose there is no great need of the other thirty nine. Another thing which they much insist upon, is, that they have found

found out a precedent in Queen *Elizabeth's* time, when a Parliament was once prorogued three days beyond a year. In which I cannot choose but observe, that it is a very great confirmation, of the value and esteem all people ever had of the fore-mentioned acts of *Edward III.* since from that time to this, there can but one precedent be found for the proroguing a Parliament above a year, and that was but for three days neither. Besides, my Lords, this precedent is of a very odd kind of nature; for it was in time of a very great plague, when every body of a sudden was forced to run away one from another, and so being in haste, had not leisure to calculate well the time of the prorogation, though the appointing it to be within three days of the year is an argument to me, that their design was to keep within the bounds of the acts of Parliament. And if the mistake had been taken notice of in Queen *Elizabeth's* time, I make no question but she would have given a lawful remedy.

Now I beseech your Lordships, what more can be drawn from the shewing this precedent, but only that because once upon a time a thing was done illegally, therefore your Lordships should do so again now: Tho' my Lords, under favour, ours is a very different case from theirs; for this precedent they mention was never taken notice of, and all lawyers will tell you, that a precedent that passes *sub silentio* is of no validity at all, and will never be admitted in any judicial court where it is pleaded. Nay Judge *Vaughan* says, in his reports, *That in cases which depend upon fundamental principles, for which demonstrations may be drawn, millions of precedents are to no purpose.* Oh! but say they, you must think prudentially of the inconveniences which will follow upon it: For if this be allowed, all those acts which were made in that session of Parliament will be then void. Whether that be so or no, I shall not now examine; but this I will pretend to say, that no
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man ought to pass for a prudential person, who only takes notice of the inconveniencies of one side. It is the part of a wise man to examine the inconveniencies of both sides, to weigh which are the greatest, and to be sure to avoid them: And, my Lords, to that kind of examination I willingly submit this cause, for I presume it will be easy for your Lordships to judge, which of these two will be of the most dangerous consequence to the nation; either to allow that the statutes made in that particular session in Queen *Elizabeth's* time are void (which may easily be confirmed by a lawful Parliament) or to lay it down for a maxim, *That the Kings of England, by a particular order of theirs, have power to break all the laws of England when they please.*

And, my Lords, with all the duty we owe to his Majesty, it is no disrespect to him to say, that his Majesty is bound up by the laws of *England*; for the great King of heaven and earth, God Almighty himself, is bound by his own decrees: And what is an act of Parliament, but a decree of the King made in the most solemn manner it is possible for him to make it, that is, with the consent of the Lords and Commons. It is plain then, in my opinion, that we are no more a Parliament; and I humbly conceive, your Lordships ought to give God thanks for it, since it has thus pleased him, by his providence, to take you out of a condition wherein you must have been entirely useless to his Majesty, to your selves, and the whole nation: For, I do beseech your Lordships, if nothing of this I have urged were true, what honourable excuse could we find for our acting again with the house of Commons? Except we could pretend such an exquisite art of forgetfulness, as to avoid calling to mind all that passed between us the last sessions; and unless we could have also a faculty of teaching the same art to the whole nation. What opinion could they have of us if it should happen, that the very same

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men, who were so earnest the last session, for having the house of Commons dissolved, when there was no question of their lawful sitting, should be now willing to join with them again, when without question they are dissolved?

Nothing can be more dangerous to a King or a people, than that the laws should be made by an assembly, of which there can be a doubt, whether they have a power to make laws or no: And it would be in us inexcusable, if we should overlook this danger, since there is for it so easy a remedy, which the law requires, and which all the nation longs for.

The calling a new Parliament it is, that only can put his Majesty into a possibility of receiving supplies; that can secure your Lordships the honour of sitting in this house like Peers, and your being serviceable to your King and country; and that can restore to all the people of *England* their undoubted rights of choosing men frequently to represent their grievances in Parliament; without this, all we can do would be in vain; the nation may languish a while, but must perish at last: We should become a burthen to ourselves, and a prey to our neighbours. My motion therefore to your Lordships shall be, that we humbly address our selves to his Majesty, and beg of him, for his own sake, as well as for the peoples sake, to give us speedily a new Parliament; that so we may unanimously, before it is too late, use our utmost endeavours for his Majesty's service, and for the safety, the welfare, and the glory of the *English* nation.

This surprizing speech was thought so bold and shocking, by the Lords in the ministry, that one of them mov'd that the Duke might be called to the bar. But the Earl of *Shaftsbury*, who was fully prepared, opposed this motion as improper and extravagant; and did with great courage and sharpness of application, second and enforce the Duke of *Buckingham's*

ham's argument; and the Earl of *Salisbury* and the Lord *Wharton* fell in briskly on the same side. While one of them was speaking, the Duke took a pen and writ the following Syllogism;

It is a maxim in the law of *England*, that the Kings of *England* are bound up by all the statutes made *pro bono publico*; that every order or direction of theirs, contrary to the scope and full intent of any such statute, is void and null in law: But the last prorogation of the Parliament was an order of the King's contrary to an act of King *Edward III.* made for the greatest common good, viz. The maintenance of all the statutes of *England*, and for the prevention of the mischiefs and grievances which daily happen: *Ergo* the last prorogation of Parliament is void and null in law; after which he appealed to the Bishops, whether it was not a true syllogism, and to the Judges, whether the propositions were not true in law.

The debates arose to that heighth, that all the four Lords were ordered to be sent to the tower, for contempt of the authority and being of the present Parliament, there to remain during the pleasure of his Majesty and the house of Peers. In the mean time the Duke of *Buckingham* took the opportunity of slipping out of the house, while the Lord *Anglesey* was arguing against committing them. The house finding he had withdrawn himself, were in a rage, and design'd to address the King for a proclamation against him; but the Duke foreseeing the event would not give them so much trouble, and appearing the next day in his place, the court Lords immediately cried out to the bar? But his Grace, who could readily turn any thing serious into jest, and extricate himself out of any difficulties, rose up, and said, he begg'd their Lordships pardon for retiring the night before; That they very well knew the exact æconomy he kept in his family, and perceiving their Lordships intended he should be some time in another place, he only went home to set his house in order, and was now come to submit to their
Lordships

Lordships pleasure, which was to send him to the tower, after the Earls of *Shaftsbury* and *Salisbury*, and the Lord *Wharton*. We hear that the Earl of *Shaftsbury*, being jealous of the Duke's setting himself up for the head of his party, used to speak slightly of him as a man inconstant and giddy, which the other hearing, resented. It happened afterwards that the Duke, the Earl of *Salisbury*, and the Lord *Wharton*, being discharged on their submission, and only the Earl of *Shaftsbury*, continued in the tower; the Earl look'd out of a window as his Grace was taking coach, and cry'd, *what, my Lord, are you going to leave us?* *Ay, my Lord*, said he, *such giddy-headed fellows as I can never stay long in a place.* The Earl of *Shaftsbury* was continued for above a year.

The Parliament had been continued a considerable time by adjournments; but now a prorogation was thought necessary, to settle the minds of the people, or to answer the expectations of the court; so that this meeting made the seventeenth session of the second and long Parliament of this reign,

Upon Thursday the 23d of May, his Majesty went to the house of Peers, where he made a short speech to both houses, to this effect.

The seven-
teenth ses-
sion of the
second Par-
liament.
1678.

My Lords and Gentlemen,

‘ **I** N the first place I am resolved, as far as I am
‘ able, to save *Flanders* either by a war or a
‘ peace, which way I see most conducing to that
‘ End. In either way, I think it convenient to
‘ keep up my army, and navy at sea, for some time;
‘ but I leave it to you to consider of supplies for
‘ their continuance or disbanding; and in either case
‘ not to discourage so many worthy and gallant
‘ gentlemen, who have offered their lives and ser-
‘ vices

The King's
speech to
both houses.

‘ vices to their country, and that in pursuit of your
 ‘ advice and resolutions. I must tell you, that a
 ‘ branch of my revenues is now expiring, and ano-
 ‘ ther part of it is cut off by a clause in the *Poll-bill*;
 ‘ That I have borrow’d two hundred thousand
 ‘ pounds upon the Excise at your request, of all
 ‘ which you are to consider. That I have no in-
 ‘ tentions but of good to you, and my people, nor
 ‘ ever shall; therefore I desire you will not drive
 ‘ me into extremities, which must end ill both for
 ‘ you and me, (and which is worst of all) for the
 ‘ nation. I desire to prevent all disorders and mis-
 ‘ chiefs that may befall by our disagreement; but in
 ‘ case there do, I leave it to God Almighty to judge
 ‘ who is the occasion of it. In conclusion, I must
 ‘ tell you, that I will not for the future suffer the old
 ‘ course and method of passing of laws to be changed,
 ‘ by *tacking together several matters in one bill*. The
 ‘ rest I leave to the Lord Chancellor.

Accordingly his Lordship made a long and remarkable speech, of which the greatest part ought not to be omitted. He let them first know,

Lord Chan-
cellor's
speech.

‘ That with reference to the present state of *Chri-*
 ‘ *stendom*, and a general peace, the advances which had
 ‘ been made abroad, though hastned by some late oc-
 ‘ currences, were long since meditated and prepared
 ‘ in *Holland*: For when the States-General perceived
 ‘ that though they had strained themselves to the ut-
 ‘ most, and exceeded all the proportions which by
 ‘ their treaty they were bound to furnish, yet the
 ‘ *Spaniards* failed them in every point, not only in
 ‘ the subsidies they were obliged to pay, but in the
 ‘ very strength and forces they stood engaged to set
 ‘ out; in so much that all their towns and garrisons
 ‘ were so far from being in any tolerable posture to
 ‘ receive any enemy, that they remained as perfectly
 ‘ defenceless as if they were intended to be abandon-
 ‘ ed: Hereupon the states resolved to seek all occa-
 ‘ sions

‘ sions of coming out of the war, and to lay hold on
‘ the first that should offer itself; and to that end,
‘ the last year they solicited his Majesty to endea-
‘ vour a peace, and they would then have taken such
‘ a peace as they now seek: But his Majesty thought
‘ he had done great service to the christian world,
‘ when he had gained two points upon them; first,
‘ to model and concert with them the terms and ar-
‘ ticles of a better peace; and then, on prospect of
‘ that peace, to enter into *a league offensive and de-*
‘ *fensive* with his Majesty, to obtain that peace by
‘ force, if it could not be had otherwise. Though
‘ the *Dutch* were still inclined to accept of peace, and
‘ were hearkning after the *French* propositions at
‘ *Nimiguen*; yet such were his Majesty’s resolutions
‘ to hold them to their league, and so constant were
‘ all his refusals to hearken to such a peace, that they
‘ must of necessity at last have been obliged to con-
‘ tinue on the war some way or other. But since it
‘ was heard abroad, that this league, which was the
‘ only thing by which his Majesty could oblige the
‘ *States*, had been so ill understood at home, as to
‘ meet with some very unfitting, and very undeserv-
‘ ed reflections; as soon as it had taken air, and
‘ was understood, *That there was a resolution to give*
‘ *no money until satisfaction was given in matters of*
‘ *religion*, which in all countries are the longest de-
‘ bates that can be entered upon, and at this time, a-
‘ bove all others, should least have been stirred; and
‘ when at last the King had received an address,
‘ which they took to be of such a nature as was never
‘ seen or heard of before in any state or kingdom of
‘ the world, and had proceeded so far as to express
‘ his resentment of it: Then they concluded with
‘ themselves, *That it was in vain to rely any longer*
‘ *upon England, for England was no longer itself:*
‘ Then all sides began to wish for a peace, even *Spain*
‘ as well as *Holland*; and if the cessation, which is
‘ endeavoured to be made in order to it, take effect,

‘ as in all likelihood it will, we may conclude that
‘ the peace will soon follow.’

After this historical account, he proceeded to this effect: ‘ What influence such a peace will have upon our affairs is uncertain; only we know we have given no small provocation to a mighty King, who may be at leisure enough to resent it when he pleases; therefore it imports us to secure ourselves, by preserving peace and unity at home: He that fomented divisions now, does more hurt to his country, than a foreign enemy can do, and disarms it at a time when all the hands and hearts we have are little enough to defend us: No fears of *arbitrary government* can justify, no zeal to religion can sanctify such a proceeding!’ He then reminded them of the late times ‘ when religion and liberty were truly lost by being made a handle and pretence for sedition; when prelacy was called popery, and monarchy named tyranny, &c. and can we now endure to see men break the act of oblivion every day, by reviving the memory of forgotten crimes in new practices? It is worth the consideration, whether we do not bring some kind of scandal upon the protestant religion, when we seem so far to distrust the truth and power of it, that after so many laws pass’d to guard it, and so many miraculous deliverances from the attempts made against it, we should still be afraid of its continuance? Hath not the late act made it absolutely impossible for the most concealed papist that is, to get into any kind of employment? And did ever any law since the reformation give us so great a security as this? As little reason there is to be jealous of our liberties and properties. Can there be a greater evidence of the moderation of a Prince, and his tenderness of the liberty of the subject, than to suffer, as he does every day, so much licentious and malicious talk to pass unpunished? If there be not a single instance to be found in a whole reign, of a man that
‘ has

‘ has suffered against law, and very few of those that
‘ have suffer’d by it, shall we endure them that dare
‘ say in all publick places, *that the nation is enslaved?*
‘ Let them shew the time, if they can, since the
‘ world began, and this nation was first inhabited,
‘ wherein there were fewer grievances, or less cause
‘ of complaint than at this present time: Nay, let
‘ them search all ages and places, and tell us when
‘ and where there was ever found a happier people
‘ than we are at this day.’

He proceeded then to the matter of the revenue, and to the same purpose with what the King had said before, with some enlargement; but plainly told them, ‘ that the manner of their proceedings was as
‘ considerable to his Majesty, as the matter; and
‘ that he would not accept a good bill, how valuable
‘ soever, unless it came to him in the old and decent
‘ method of Parliaments: That the late way of
‘ tacking together several independent and incohe-
‘ rent matters in one bill, seemed to alter the whole
‘ frame and constitution of Parliaments, and conse-
‘ quently of the government itself. It took away
‘ the King’s negative voice in effect, and forced him
‘ to take all or none, when one part of the bill
‘ might be as dangerous, as the other was necessary
‘ for the kingdom: It took away the negative voice
‘ of the house of Peers by the same consequence, and
‘ disinherited the Lords of their native liberty of de-
‘ bating and judging what is good for the kingdom:
‘ It looked like a kind of defamation of the govern-
‘ ment, and seemed to suppose the King and Lords
‘ to be so ill affected to the publick, that a good bill
‘ could not carry itself through by the strength of its
‘ own reason and justice, unless helped forwards by
‘ being tacked to another that will be favoured: It
‘ did at last give up the greatest share of the legisla-
‘ ture to the Commons, and by consequence the
‘ chief power of judging what laws are best for the
‘ kingdom.’ In fine, he shewed that the same me-

thod might be made use of by the Lords against the Commons ; ‘ and thus every bill would be dearly bought at last, and one chief end of calling Parliaments, the making of good laws, be wholly frustrated and disappointed, by departing from that method which the wisdom of our ancestors purposely prescribed, to prevent and exclude such inconveniencies. These innovations the King resolved to abolish, and had commanded him to say to them *state super vias antiquas.*’ Then he said, ‘ If this session do not repair the misfortunes, and amend the faults of the last, it will look like fatality upon the nation. He whose house is destroyed by fire, would find but little comfort in saying, *the fire did not begin by his means* ; but it will be a matter of perpetual anguish and vexation to remember, *that it was in his power to have extinguished it.* Let the world now see that your zeal to preserve the government, is the same as when you were ready to die for its restoration ; and know, it is an act as meritorious, and of as great duty and loyalty, to stand between the King and those libellers, who would create a misunderstanding between him and his Parliament, as it is to fight for him in a day of battle. Embellish the history of this Parliament, by shewing us the healing virtue of this session ; so shall your service be acceptable to the King, who never forgets any thing but injuries : So shall you recommend yourselves to posterity, by transmitting to them the same peace and happiness you are trusted with. And the God of peace and unity prosper all your consultations to the honour and happiness of the King, and the joy and comfort of all his good subjects.’

For the better consideration of these speeches, the house of Commons were adjourned for three or four days ; and meeting on *Monday* the 27th of *May*, they soon came to this resolution, ‘ That the house
 taking

' taking into consideration the state of his Majesty's The Com-
 ' affairs, and the great charge and burthen that his mons reso-
 ' Majesty and the nation lie under by the army now lutions.
 ' in being, are humbly of opinion, that if his Ma-
 ' jesty please to think fit to enter into the war against
 ' the *French* King, this house is, and always will
 ' be ready to support and assist him in that war;
 ' but if otherwise, they will proceed to the confide-
 ' ration of providing for the speedy disbanding of the
 ' army.' The house farther order'd, that the mem-
 bers of his Majesty's Privy-Council, do acquaint
 the King with these votes, and pray his Majesty's
 speedy answer. To which the King returned the
 following answer, which was read the next day in
 the house of Commons; ' That the *French* King The King's
 ' hath made such offers of a cessation till the 27th of Answer.
 ' *July* as his Majesty doth not only believe will be
 ' accepted, but will end in a general peace; yet
 ' since that is not certain, he does not think it pru-
 ' dent to dismiss either fleet or army before that
 ' time, nor doth he think it will add much to the
 ' charge, in regard the raising money, and paying
 ' them off, would take up that time, were they to
 ' be disbanded as speedily as possible; in the mean
 ' time he desired money for their subsistence, that as
 ' hitherto they have been the most orderly army
 ' that ever came together, they may be encouraged
 ' to continue so. Then he concluded with remind-
 ' ing them of the two hundred thousand pounds
 ' formerly mentioned in his speech, which he wanted
 ' for the subsistence of his household.' Hereupon,
 on the next sitting day, the Commons unanimously
 voted, ' That all forces raised since the 29th of
 ' *September* last (except these transported to foreign
 ' plantations) be forthwith paid off and disbanded,
 ' and that they would consider of a supply for that
 ' purpose.'

The Com-
mons vote a
supply.

Upon the 4th day of *June*, the house of Commons first voted two hundred thousand pounds to be raised by a monthly tax, in six months, after the land tax, now in being, should be expired; but with a clause, *That this be for the disbanding the army, by the end of this present June*. The next day they voted the King two hundred thousand pounds more, towards defraying the expences of the fleet, and were ready to add another such sum for the King's extraordinary occasions. Soon after which his Majesty sent them a message by one of the secretaries of state, importing, 'That his mind was still the same with what he delivered in his speech the 23d of *May* last, viz. *That the army and fleet ought to be kept up till the expected peace be concluded*: And he farther recommended to their consideration, whether it were not dishonourable for him to recall his forces in *Flanders*, from those towns which he had taken into his protection, before they could provide themselves of other succours.' Upon consideration of which, the Commons extended the time, as to the forces in *Flanders*, to the 27th day of *July*. But upon *Saturday*, the 15th of *June*, they resolved, 'That after the *Tuesday* following, no motion should be made for any new supplies of money, till after the next recess, nor any more private bills brought in, till after the said recess.'

On the foresaid *Tuesday*, *June* 18th, the King came to the house of Peers, and sending for the house of Commons, he declared to them all in a pathetic speech,

The King's
second
Speech to
both Houses.

That the season requiring a recess by the middle of the next month, it was convenient that he and his Parliament should part fairly, and with a perfect confidence of one another: Therefore he opened his heart freely to them in some particulars of the nearest concern: That what he told them in the beginning of the session concerning a peace, seem'd ready to be

be determined, at least as to *Spain* and *Holland*; in which peace his part would be not only that of a mediator, but also to give his warranty in it. That *Spain* writes word, *That unless England bears the charge of maintaining Flanders, even after the peace, they will not be in a condition to support it long.* Therefore to that end; it was necessary to keep up the navy at sea, and not only so, but to give the world some assurance of being well united at home: That though the house of Commons might think such a peace as ill a bargain as a war, because it would cost them money; yet if they seriously considered that otherwise *Flanders* had been lost, and perhaps by this time, he believed they would give much greater sums than that would cost, rather than the single Town of *Ostend* should be in the *French* hands, and forty of their men of war in so good a haven over against the river's mouth. Then he insinuated to them, that they could not but be pleased to understand, the reputation *England* had gained abroad, by having in forty days raised an army of thirty thousand men, and prepared a navy of ninety men of war. Therefore if they desired to keep up the honour of the crown at home, and look to the safety of the balance of affairs abroad, and pursue the wars of *Algiers*; if they desired he should pass any part of his life in quiet and all the rest in confidence and kindness with them, and other future Parliaments: they must find a way, not only to settle for his life his revenue as at *Christmas* last, but also to add a new fund of three hundred thousand pounds *per annum*, upon which he would pass an act to settle fifty thousand pounds upon the navy and ordnance; and should be likewise always ready to consent to all such laws as they should propose for the good of the nation. He lastly reminded them, to enable him to keep his word with the Prince of *Orange*, in the payment of his Niece's portion, which was forty thousand

thousand pounds ; the first payment being now due and demanded by him.

Not com-
plied withal.

Upon the return of the Commons to their house, they immediately took this speech into consideration, and soon voted his Majesty the humble thanks of the house for his most gracious expressions in it. But when they came to debate on the additional revenue proposed, they gave a total denial to it ; and not only so, but when a motion was made, to give a compensation for the last part of his Majesty's revenues by the late prohibiting acts, concerning *French* commodities, it passed in the negative, 202 against 145. Not long after, the Lords, having passed the bill for *disbanding the army*, &c. and sent it down with a clause of enlargement of the time prefixed for one month longer ; the Commons would by no means agree to it, but desiring a conference, they gave their Lordships their reasons why they could not consent to the amendment.

Several Bills
passed.

After some continuance longer, and some considerable bills prepared, the King growing more and more uneasy, on the 15th of *July* he came to the house of Peers, and passed several bills. After which the Lord Chancellor, by his Majesty's command, acquainted the two houses, that his Majesty had thought fit, in the present juncture of affairs, to prorogue them to the first of *August* next, and so to keep them in call by short prorogations ; his Majesty not knowing how soon he might have need of their farther service and assistance : And accordingly the Parliament was prorogued till the first day of *August* ; but they did not really meet till the 21st day of *October*.

The Eighteenth
session of the
second Par-
liament,
1678.

The Parliament met according to prorogation, on the 21st day of *October*, which was the eighteenth and last session of the second and long Parliament in this reign. The King was very unwilling that the Parliament should take any notice or cognizance of the plot ; yet he knew not how to forbear mention-
ing

ing a matter that had rais'd such a general amazement and abhorrence in the nation: Therefore he delivered himself thus to the two houses, now filled with the highest expectation.

My Lords and Gentlemen,

‘ I Have thought the time very long since we parted last, and would not have deferred your meeting by so many prorogations, if I could well have met you sooner. The part which I have had this Summer in the preservation of our neighbours, and the well securing what was left of *Flanders*, is sufficiently known, and acknowledged by all that are abroad. And tho’ for this cause I have been obliged to keep up my troops, without which our neighbours had absolutely despaired, yet both the honour and interest of the nation have been so far improved by it, that I am confident no man here would repine at it, or think the money raised for their disbanding to have been ill employed in their continuance; and I do assure you, I am so much more out of purse for that service, that I expect you should supply it. How far it may be necessary, considering the present state of *Christendom*, to reduce the land and sea forces, or to what degree, is worthy of all our serious considerations.

The King's
Speech to
both houses.

‘ I now intend to acquaint you (as I shall always do with any thing that concerns me) that I have been informed of a design against my person by the *Jesuits*, of which I shall forbear my opinion, lest I may seem to say too much or too little: But I will leave the matter to the law, and in the mean time will take as much care as I can, to prevent all manner of practices by that sort of men, and of others too, who have been tampering in a high degree by foreigners, and contriving how to introduce popery amongst us. I shall conclude with recommending to you my other concerns.

‘ I have

‘ I have been under great disappointments by the
 ‘ defect of the poll-bill. My revenue is under great
 ‘ anticipations, and at best was never equal to the
 ‘ constant and necessary expence of the government,
 ‘ whereof I intend to have the whole state laid be-
 ‘ fore you, and require you to look into it, and con-
 ‘ sider of it with that duty and affection which I am
 ‘ sure I shall ever find from you. The rest I leave
 ‘ to the Lord Chancellor.

The Chancellor's Speech consisted mostly of historical matters, with less flights than formerly; but being spoke in so critical a time, we can omit but very little part of it. After a short preamble, he proceeded thus:

The Lord
 Chancellor
Finch's
 Speech.

THE close and period of the last session is very memorable; for it may seem perhaps to some to have ended with very different, if not contrary counsels and supplies, tending both to war and peace: But yet they who look more nearly into the matter, shall find that this uncertainty proceeded not from any unsteadiness at home, but from the mutability of affairs abroad; every week, almost, producing several and contrary appearances. The same uncertainties of counsels and events abroad continued for the most part of *Summer*; one while the parties, exhausted by the war, seemed to be willing to accept any peace their enemies would give; and there wanted not those among them, who made use of the impatience of their people to necessitate them to it. Another while, the performance of the conditions offered became so doubtful, and was at last explained in a manner so vastly different from the first proposals, that despair begot new resolutions of continuing the war. In the midst of these miserable perplexities and confusions, his Majesty was daily solicited with the highest importunities, and the most earnest supplications that were possible, not to disband

band the troops he had raised; and not only so, but that he would still continue to send over more and more of his troops, and to augment the forces which he had already abroad. They did as good as tell him plainly, *That it was from the reputation of his alliance, that any overtures of peace had been made at all; and that it was from the continuance of his arms, that any farther performance could be expected.* They prayed his Majesty to consider, *That if he thought it expedient to obtain some kind of respite or breathing time for the Spanish Netherlands, or to secure any kind of frontier or barrier between them and their too powerful neighbours; all this and more, very much more, perhaps no less than the safety of Christendom, would entirely depend upon his Majesty's preserving himself in that considerable posture both by sea and land, wherein he then was.* There was no resisting such repeated intercessions; and tho' his Majesty saw well enough, that his complying with these desires would engage him in an expence far beyond what he was then provided for, yet he could not possibly decline the charge, nor refuse to undergo the difficulties. And now whatever the cost of all this may amount to, yet neither his people will have any cause to repent it, when they shall consider that it hath already produced such great and good effects to his Majesty's allies, and so much honour to the whole nation, that whatever is saved of *Flanders*, is now acknowledged by all the world, to be wholly due to his Majesty's interposition. And tho' the peace, which since hath followed, be very far from such a peace as his Majesty could have wished, yet it is such a peace *as his neighbours were resolved to have.* No obligations they lay under to insist upon a better peace, no conjunction with his Majesty, no nor the offers to declare war on their behalfs, if they desired it, could prevail with them, or keep them from being wrought upon by the arts of those, who first raised unreasonable jealousies amongst them, and then

then caused them to precipitate themselves into a peace. Thus you see at once, not only the necessity which his Majesty had to continue his troops in pay, but likewise the benefits and advantages which have come of it.

‘ Then, insisting upon the necessity of a supply, in the same manner that the King had in his speech, he proceeded in these words.’ Thus you have in short an account of what had been doing abroad, and the charge of it, ’tis now high time to look a little nearer home: And surely in that state of things to which they are now reduced, ’tis visible and plain enough what must be our business for the time to come. First, we must look to ourselves, and provide for our own safety: For that which the confederates acknowledge with thanks, we may be sure hath a quite different resentment in other places. And in order to this, care must be taken so to strengthen ourselves both at home and abroad, that they who see us in a firm and well settled estate, may have no hopes to surprize, nor any temptation to make any attempt upon us. And herein it will be necessary to take notice of what his Majesty hath recommended to you, and to weigh very well the importance of reducing the sea and land forces, and the consequences which may attend such a reduction: For this be assured, that nothing in the world would more gratify our enemies, than to see us afraid of maintaining ourselves in a posture of defence, which is the only posture they are afraid to find us in. And that the fears of popery may not too much disquiet you, be pleased to consider that you have one security more, since that which was always the interest of his Majesty’s honour and conscience, is now become the interest of his person too, to protect the protestant religion, and to prevent the swarming of seminary priests. For his Majesty hath told you, *That he hath lately received information of designs against his own life by the Jesuits.* And tho’
he

he doth in no sort prejudice the persons accused, yet the strict enquiry into this matter hath been a means to discover so many other unwarrantable practices of theirs, *that his Majesty hath reason to look to them.* Nor are these men the only factors for *Rome*; but there are found amongst the laity also, some who have made themselves agitators to promote the interests of a foreign religion, who meddle with matters of State and Parliament, [*Coleman*] and carry on their pernicious designs by a most dangerous correspondence with foreign nations. What kind of process the proof will bear, and to how high a degree the extent and nature of these crimes will rise, is under consideration, and will be fully left to the course of law.

In the next place, let us carefully avoid all differences amongst ourselves, all manner of clashing about jurisdictions, and all disputes of such nature, as can never end in any accommodation. For this is still what our enemies would wish, who would be glad to see us ruined, without their being at the charge of it. And therefore we must now, above all other times, labour, to shew the world the most effectual significations of our loyalty and duty that we are able to express; for nothing in the world can more discourage our enemies: As on the contrary, nothing does or can so ripen a nation for destruction, as to be observed to distrust their own government. Be pleased then now to take occasion to manifest such a zeal for the government, as to look into the state of that revenue which should support the constant and necessary charge of it, and to see that it be made equal to it. There are many motives to oblige us to this inspection: First, you see the King expects it; and then again you cannot but see, that nothing is or can be of a more publick consideration, than to support the dignity of the crown, which is in truth the dignity of the nation. Besides, 'tis unsafe, as well as dishonourable, that
I the

the King's revenue should fall short of his most necessary, and most unavoidable expences. And if upon a due examination it shall be made appear to you, that though there had been no diminution of the Customs, yet no thrift or conduct in the world could ever make the revenue able to answer the certain charge of the government, much less to discharge those anticipations which lie heavy upon it; how can it be possible for it to supply those contingencies which happen even in times of peace; and which can never be brought under any regulation or establishment? You may be sure a great and generous Prince would be glad, by good managery, to have wherewithal to exercise his royal bounty, but our neighbours have found a way to prevent that: For their vast preparations put his Majesty upon a vast expence, to preserve himself and us.

My Lords and Gentlemen,

You now find the King involved in difficulties as great, and without your assistance, as insuperable, as ever any government did labour under, and yet his Majesty doth not think that there need many words to bespeak your zeal and industry in his service: For the things themselves now speak, and speak aloud.

The publick and private interest do both persuade the same things, and are, and ought to be mighty in persuasion. If the honour and safety of your country, and, which is next to that, the concerns of your own families and posterities, cannot awaken your utmost care to preserve that government which only can support you and yours, all other discourses will be to no purpose. There can be no difficulties at all to them who take delight in serving of the King and their country, and love the occasions of shewing it. Such as are here! But though the King hath had for many years a large and full experience of your duty, yet there never was a time like this to try your affections. There is
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so strange a concurrence of ill accidents at this time, that 'tis not to be wondered at, if some very honest and good men begin to have troubled and thoughtful hearts. Yet that which is infinitely to be lamented, is, that malicious men too begin to work upon this occasion, and are in no small hopes to raise a storm that nothing shall be able to allay. If you can rescue the King's affairs from such a tempest as this; if you can weather this storm, and steer the vessel into the harbour; if you can find a way to quiet the apprehensions of those who mean well, without being carried away by the passions of others who mean ill; if you can prevent the designs of those without doors, who study nothing else but how to distract your councils, and to disturb all your proceedings; then you will have performed as great and as seasonable a piece of service to the King, as ever yet he stood in need of. And when the world shall see, that nothing hath been able to disappoint the King of the assistance he had reason to hope from this session; but that there is a right understanding between the King and his Parliament, and that again strengthened and encreased by the evidences of your duty and affection, and raised above all possibility of being interrupted; then shall the King be possessed of that *true glory* which others vainly pursue, the glory of *reigning in the hearts of his people*. Then shall the people be possessed of as much felicity as this world is capable of: And you shall have the perpetual honour and satisfaction of having been the means to procure so much solid and lasting good to your country, as the *establishment of the peace and tranquillity of this kingdom, and consequently of all his Majesty's dominions*.

THE house of Commons having received Oates's informations, they fell into a flame, and were so assiduously employed, that in the beginning of this session they sat whole days, from morning till

The diligence of the Commons.

till late at night chiefly enquiring into the plot, and the murder of Sir *Edmundbury Godfrey*; and with so much secrecy, that the minutes and votes of the house were forbid to be divulged. The upper house seemed no less diligent; and the first business of both was to agree in the following address to his Majesty, *viz.*

Address of
both houses.

That information had been given of a horrible design against his sacred life, and being very sensible of the fatal consequences of such an attempt, and of the dangers of the subversion of the protestant religion and government of this realm, they humbly beseech his Majesty, that a solemn day of fasting and humiliation may be appointed, to implore the mercy and protection of Almighty God to his Majesty's royal person, and in him to all his loyal subjects; and to pray that God will bring to light, more and more, all secret machinations against his Majesty and the whole kingdom. All which was accordingly done by Proclamation, dated the 25th of *October*, requiring that *Wednesday* the 13th of *November* should be kept for a general fast. Soon after both houses again agreed in another address.

That having taken into their serious consideration the bloody and traiterous designs of popish recusants, against his Majesty's sacred person and government, and the protestant religion, they do, for prevention thereof, most humbly beseech his Majesty, to issue forth his royal Proclamation, commanding all persons being popish recusants, or so reputed, to depart from the cities of *London* and *Westminster*, and all other places within ten miles of the same, on or before the 7th of *November* next ensuing, under pain of his Majesty's highest displeasure, and of the severest execution of the laws against them.

To which his Majesty complied; and sent out a Proclamation to that effect, dated *October* 30. This being not thought sufficient, they proceeded to another in these words.

Whereas

Whereas the safety and preservation of your Majesty's sacred person is of so great a consequence and concernment to the protestant religion, and to all your subjects, we do most humbly beseech your Majesty to command the Lord Chamberlain, and all other the officers of your Majesty's household, to take a strict care that no unknown, or suspicious persons may have access near your Majesty's person; and that your Majesty will likewise please to command the Lord Mayor, and lieutenancy of *London*, to appoint sufficient guards of the train'd bands, during this session of Parliament; and likewise the Lords Lieutenants of *Middlesex* and *Surry*, to appoint the like guards of the train'd bands, in *Middlesex*, *Westminster*, *Southwark*, and other places adjacent, as shall be thought necessary.

On the same day, *October* 24th, Mr. *Oates*, now *Oates examined by the Commons.* called Dr. *Oates*, was examined in the house of Commons six or seven hours; at the end of which he was several times, and with great strictness, interrogated, *Whether he knew anything more of the plot, already mentioned?* He solemnly answered he did not; and about nine at night, the house sent for the Lord Chief Justice *Scroggs*, who took his examination upon oath, and in the house sealed twenty six warrants against several Lords and others that he had sworn against. Whereupon the five Lords, namely, the Lord *Powis*, the Lord *Stafford*, the Lord *Arundel* of *Wardour*, the Lord *Peter*, and the Lord *Belasis*, and Sir *Henry Tichburn*, Baronet, were taken into custody, and shortly after committed to the *Tower*; and several others were sent prisoners to *Newgate*. But notwithstanding *Oates's* solemn asseverations of his not knowing any more, he soon began so much to abound with new discoveries that some began to suspect his veracity: Therefore to put an end to all such doubtings, on the 31st of *October*, the Commons resolved, *nem. con.* The Commons grand resolve.

‘ That upon the Evidence that has already appeared
 ‘ to this house, this house is of opinion, *That there is,*
 ‘ *and hath been a damnable and hellish PLOT contriv-*
 ‘ *ed and carried on by popish recusants, for assassinat-*
 ‘ *ing and murdering the King, for subverting the go-*
 ‘ *vernment, and rooting out and destroying the prote-*
 ‘ *stant religion.*’ After which they ordered, ‘ That
 ‘ this vote be communicated to the Lords at a con-
 ‘ ference, and that the Lords be desired to join with
 ‘ this house, in providing remedies for the preserva-
 ‘ tion of his Majesty’s person and government, and
 ‘ the protestant religion.’

Sir Edmund-
 bury God-
 frey’s fune-
 ral.

This remarkable vote had a great effect in all places ; and the very same day the people were strangely affected with the sight of the funeral of Sir *Edmund-bury Godfrey* : The solemnity proceeded from *Bridewell* to *St. Martin’s* in the Fields ; and the body was attended by seventy two *London* Divines who went in procession before it, and above a thousand persons of quality and considerable citizens, who followed after in the same order, all being compleated by a memorable funeral sermon preached by Dr. *Lloyd* minister of the parish.

The Lords
 report.

The next day there was a conference between the two houses, upon the subject of the last vote of the Commons and this report was made. The Lords have considered the vote of the house of Commons, communicated to them at the conference, and have most readily and unanimously concurred with them in it, *nem. con.* and their Lordships are very glad to see that zeal which the Commons have shewed upon this occasion, and fully concur with them, *That the most speedy and serious considerations of both houses are necessary for the prevention of the imminent dangers* ; in order whereunto, their Lordships have resolved to sit *de die in diem*, forenoon and afternoon, and desire that the house of Commons will do the same, &c. At the same time, the King finding the unanimity of both houses, and receiving a new address

addresses against the papists, acted as though he equally believed the danger, and issued out his proclamation, ^{A Proclamation against Papists.} beginning with the Lords and Commons having taken into their serious consideration, the bloody and traitorous designs of popish recusants against his Majesty's sacred person and government, and the protestant religion; therefore he commanded them all, except settled house-keepers that would take the oaths of Allegiance and Supremacy, to depart the cities of *London* and *Westminster*, and all places within ten miles distant from the same.

In pursuance of this proclamation, many papists refusing those oaths went out of town with great lamentations, leaving their trades and habitations; but within a week or two they generally returned again, and being better satisfied by their leaders, ventured to take the foresaid oaths.

One great danger of popery at this time was the number of papists, and even of new converts, retained in his Majesty's guards; and therefore to remove the apprehension of the Parliament, on the 2d of *November*, his Majesty was pleased to declare in council, 'That whosoever shall make discovery ^{Another.} of any officer or soldier of his Majesty's horse or foot guards, who having formerly taken the oaths of Allegiance and Supremacy, and the *Test*, enjoined by a late act of parliament, for preventing dangers which may happen from popish recusants, hath been since perverted to the *Romish* religion, or hears mass, such discoverer, upon information thereof given to his grace the Duke of *Monmouth*, Lord general of his Majesty's forces, shall have a reward of twenty pounds for every soldier or officer so discovered as aforesaid. And to the end his Majesty's pleasure herein may be fully known, his Majesty doth command that this order be forthwith printed and published.' A second danger was from the interest of popish members of Parliament, but especially in the house of

Designs
against the
Duke of
York.

Peers ; and therefore the Commons prepared a bill, *For the more effectual preserving the King's person and government, by disabling papists from sitting in either house of Parliament.* But a third, which now most threatened the security of the protestant religion, was the prospect of a popish successor ; and therefore the popular members of both houses began to form the design of a bill of exclusion, as the only means to extinguish the hopes and expectation of the *Romish* party. The Commons began gently on this occasion, and on the 4th of *November* suffered a debate to arise in their house, for an address to be presented to his Majesty, *That his Royal Highness may withdraw himself from his Majesty's person and councils.* But then they adjourned this debate till *Friday, November 8,* and then again adjourned it to the *Tuesday* following.

The King, who had consented to all they had asked this session, now resolved to give them a handsome check, as well understanding the tendency of this address ; and therefore on the *Saturday* before, *November 9,* he came to the house of Peers, and made this remarkable speech to both houses.

The King's
speech to
both Houses.

My Lords and Gentlemen,

‘ I Am so very sensible of the great and extraor-
‘ dinary care you have already taken, and still
‘ continue to shew for the safety and preserva-
‘ tion of my person in these times of danger, that I
‘ could not satisfy myself without coming hither on
‘ purpose to give you all my most hearty thanks for it.
‘ Nor do I think it enough to give you my thanks
‘ only, but I hold myself obliged to let you see withal,
‘ That I do as much study your preservation too as
‘ I can possibly ; and that I am as ready to join with
‘ you in all the ways and means that may establish
‘ a firm security of the protestant religion, as your
‘ own hearts can wish : And this not only during my
‘ time, of which I am sure you have no fear, but
‘ in

‘ in future ages, even to the end of the world.
 ‘ And therefore I am come to assure you, that what-
 ‘ soever bills you shall present, to be passed into laws,
 ‘ to make you safe in the reign of my successor,
 ‘ (so they tend not to impeach the *right of succession*,
 ‘ nor the *descent of the crown in the true line*; and so
 ‘ as they restrain not *my power*, nor the just rights of
 ‘ any protestant successor,) shall find from me a
 ‘ ready concurrence. And I desire you withal, to
 ‘ think of some more effectual means for the con-
 ‘ viction of popish recusants, and to expedite your
 ‘ counsels as fast as you can, that the world may
 ‘ see our unanimity; and that I may have an op-
 ‘ portunity of shewing you how ready I am to do
 ‘ any thing, *that may give comfort and satisfaction to*
 ‘ *such dutiful and loyal subjects.*’

In the Afternoon, the house of Commons went to the Banqueting-House of Whitehall, and, by their Speaker, returned his Majesty their humble and hearty thanks, for his most gracious speech this day made to both houses of Parliament. To which his Majesty was pleased to give this obliging answer.

Gentlemen, *It shall always be my study to preserve the protestant religion, and to advance and support the interest of my people.*

As the credit of the plot increased, so did the labour and diligence of the two houses of Parliament; and the King seemed all along to keep the same pace with them; particularly on the 12th of November, he issued out a new proclamation, A new Proclamation, whereby all *Romish* recusants, and such reputed, were enjoined, under the penalty of the laws, to repair to their own houses, and not to remove more than five miles from thence without licence; excepting out of this Proclamation the inhabitants of London and Westminster. On the same day

The Com-
mons Ad-
dress.

the house of Commons, to whom the King was most attentive, Resolved, ' That there being an
' accusation of high-treason against Sir *William Godolphin*, his Majesty's Ambassador in *Spain*, an
' humble address be presented to his Majesty, to
' desire him to call home Sir *William Godolphin* to
' answer the accusation.' To which his Majesty was pleased to answer, *That he had already ordered his letters of revocation; and that he had a person in his eye, who he designed should succeed him in that service.* And on the same day the Commons presented another address to his Majesty, praying, ' That a
' special commission may be issued forth, for tender-
' ing the oaths of Allegiance and Supremacy to all
' the servants of his Majesty and Royal Highness;
' and to all other persons (except his Majesty's *Portugal* servants) residing within the palaces of *White-*
' *hall*, *St. James's* and *Somerset-house*, and all other
' his Majesty's houses; and that there may be like-
' wise special commissions issued forth, for tender-
' ing the said oaths to all persons residing within the
' two serjeant's Inns, all the Inns of Court, and Inns
' of Chancery.' To which his Majesty returned an answer in writing, two days after.

The King's
Answer.

That as to all his Majesty's own servants, all the servants of his Royal Highness, all other persons residing in Whitehall, St. James's, Somerset house, or any other of his Majesty's houses, except the menial Servants of the Queen and Dutchess; as also all persons within either of the Serjeant's Inns, or any of the Inns of Court, or Chancery, his Majesty grants it. But as to the Queen's menial servants, who are so very inconsiderable in their number, and within the articles of marriage, his Majesty does not think it fit. And his Majesty cannot but take notice, that in a late address from the house of Peers, the menial servants of the Queen and Dutchess are excepted; and his Majesty hopes this house will proceed with the same moderation as to that particular.

But the Commons were so heated with new examinations and discoveries, that they could not be satisfied with this answer; therefore in another address, they humbly advised his Majesty, and renew their desires, that the persons excepted in his Majesty's message may be comprehended in the same commission; for which they do, in all duty, lay before his Majesty the reasons following.

1. For the quieting of the minds of your Majesty's good protestant subjects, who have more than ordinary care and solicitude for the safety of your Majesty's person, by reason of the notorious conspiracy of the popish party at this time, even against the life of your sacred Majesty. Another Address.

2. By your Majesty's proclamation, set forth upon the address of both houses, *for banishing popish recusants ten miles from London*, there is no such restriction.

3. The discouragement it would be to this kingdom, to see so great a neglect; and the occasions that papists would take to say from thence, that all our fears were groundless.

4. It is too great a countenance to the dangerous factions which are already come to that height, that it renders all manner of discouragement on that side necessary.

5. It is against the laws and statutes of the realm; which, as they are preserved and maintained by your Majesty's authority, so we assure ourselves, you will not suffer them to be thus violated by your family and royal presence, upon the account of popish recusants.

This was not very pleasing to his Majesty, but before he could well return any answer, there happened an accident that made him more uneasy: For, on the 18th of November, the Commons being informed, that there were several commissions to popish recusants, and warrants also that they should be muster'd, notwithstanding they had not taken the oaths,

The Commons send Secretary Williamfon to the Tower

The King
releases him.

oaths, and subscribed the declaration, according to the act of Parliament, and that they were counter-signed by Sir *Joseph Williamson*, Secretary of State: The notice of this raised such a heat in the house, that they immediately sent Sir *Joseph*, as a member of their house, to the tower. This much offended the King, who the next day sent for the house of Commons to attend him in the *Banqueting-house* in *Whitehall*, where in a speech to them he told them plainly, *That tho' they had committed his servant, without acquainting him; yet he intended to deal more freely with them, and acquaint them with his intentions, to release his Secretary; which accordingly he did that very day.*

They address
the King.

Upon which immediately, the same day, the Commons drew up an address to his Majesty, to present to him these reasons of their proceedings, in the commitment of Sir *Joseph Williamson*, as a member of their house, *viz.*

1. That divers commissions were granted to popish officers, and counter-signed by the said Sir *Joseph Williamson*, and delivered out in *October* last, since the meeting of this house, and the discovery of the present popish conspiracy. 2. Divers warrants have also been produced before us, of dispensations, contrary to law, for popish officers to continue in their commands, and to be passed in muster, notwithstanding they have not taken the oaths of allegiance and supremacy, and received the blessed sacrament of the Lord's supper, according to the late act of Parliament in that behalf: All which said warrants were likewise counter-signed by the said Sir *Joseph Williamson*; which being complained of to us, and confessed by the said Sir *Joseph Williamson*, we your Majesty's most dutiful subjects, having the immediate consideration before us, of the imminent danger of your Majesty's person, the safety whereof is above all things most dear, and likewise the dangers from popish plots, so nearly threatening the
peace

peace and safety of your Majesty's government, and the protestant religion, were humbly of opinion, we could not discharge our duty to your Majesty and the whole kingdom, without the committing the said Sir *Joseph Williamson*; and therefore most humbly desire, *That he may not be discharged by your Majesty.* And we do farther most humbly desire your Majesty, to recal all commissions granted to all papists within the kingdom of *England* and *Ireland*, or any other of your Majesty's dominions and territories.

This adherence of the Commons made the King not a little weary of their proceedings; but however, in two days time he returned this answer in writing, which was delivered to the house by Mr. Secretary *Coventry*.

His Majesty having received an address the 19th instant from this house, is pleased to return this answer: ' That he released Mr. Secretary *Williamson* before your address came, as he told you in the *Banqueting-house* he would do. As to the returns of granting those commissions, his Majesty acquainted you at large with them, in his speech, when you last attended him. But in answer to your present address, his Majesty promises to recal all his commissions whatsoever, given to papists or reputed papists, either in *England* or *Ireland*, immediately; and for his remoter dominions, they shall likewise be recalled with all the expedition the safety of those places will permit. The King's answer.

About this time the bill formerly mentioned, for disabling all papists from sitting in either house of *Parliament*, having been sent up from the Commons to the Lords, it there passed with some little amendments, and a particular clause in favour of his royal highness the Duke of *York*. The said bill being sent back to the Commons on the 21st of *November*, it passed there also with the several alterations, but not without some considerable difficulty. For Sir *Jonathan*

A distur-
bance in the
house of
Commons.

Jonathan Trelawny and one *Mr. Ash*, being violently heated in the debate, and opprobrious words passing between them, *Sir Jonathan*, unable to bear them, struck the other a cuff on the ear, which being returned by *Mr. Ash* over the face, they both began to draw their swords. But this disturbance being at last quieted by the Speaker, *Sir Jonathan* was presently sent to the tower, and *Mr. Ash* was publickly reprimanded by the Speaker. About the same time there came out an order of council, explaining the late proclamation, whereby all papists were banished ten miles from *London*, declaring it not to extend to merchants, strangers, and such outlandish persons, who repaired thither on the account of travel. And on the same day came out a proclamation, offering a reward of twenty pounds to any one who should discover or apprehend a romish Priest or Jesuit.

The King finding the delays of the Commons, and himself under wants and difficulties: On the 25th of November he came to the house of Lords, and made his third speech to both houses.

My Lords and Gentlemen,

The King's
third speech
to both
houses.

I told you in the beginning of this session, how much I had been obliged to keep up my forces in *Flanders*: That without it our neighbours had absolutely despaired, and by this means, whatever has been saved of *Flanders*, is acknowledged to be wholly due to my interposition: And I shewed you withal, That I had been forced to employ that money which had been raised for the disbanding those troops, in the continuance of them together; and not only so, but that I had been much more out of purse for that service; a service by which the honour and interest of the nation hath been so much improved, that as I am confident no man would repine at it, so I did not doubt but you would all be willing to supply it. I have
now

' now undergone this expence so long, that I find it
 ' absolutely impossible to support the charge any
 ' longer; and did therefore think of putting an end
 ' to that charge, by recalling my troops with all
 ' possible speed, who are already exposed to the ut-
 ' most want and misery, being without any prospect
 ' of farther pay or subsistence. But whilst I was
 ' about to do this, I have been importuned by the
 ' *Spanish* Ministers to continue them a little longer,
 ' until the ratifications of the peace be exchanged;
 ' without which, all that hath been hitherto saved in
 ' *Flanders*, will inevitably fall into the hands of their
 ' enemies. And now, between this importunity to
 ' keep up those troops, and my own inability to pay
 ' them any longer, I find myself in great difficulties
 ' what to resolve. If you do not think that the pub-
 ' lick safety may require the continuance, I do wish
 ' as heartily as any man, that, for the publick ease,
 ' they may be speedily disbanded, and paid off.
 ' I have thought fit thus to lay the matter before
 ' you; and having acquitted myself to all the world,
 ' by asking your advice and assistance, I desire it
 ' may be speedy, and without any manner of delay.'

The Commons apprehending some danger from
 the *English* army in *Flanders*, which, upon the late
 juncture of a separate peace, had now nothing to do;
 they therefore presently resolved, *nemine contradicente*,

' That it is necessary for the safety of his Majesty's
 ' person, and preservation of the peace of the go-
 ' vernment, that all the forces that have been raised
 ' since the 29th of *September* 1677. and all others
 ' that since that time have been brought over from
 ' beyond seas from foreign service, be forthwith
 ' disbanded: And resolved, *It is the humble opi-*
 ' *nion and desire of the house, That the forces*
 ' *which are now in Flanders, may be immediately call-*
 ' *ed over, in order to their disbanding;* to which
 purpose they presented an address to his Majesty.

The Com-
 mons resolve
 to disband
 the army.

At

At the same time the house of Commons had before them a bill, *for raising a third part of the militia, to be in constant arms for a time*; which, with amendments, was ingrossed immediately after the King's speech, and sent up to the Lords, where it likewise passed that house.

A bill passed
against the
papists.

Upon the 30th of November, it was presented to the King on the throne; together with that other bill, *for disabling papists from sitting in either house of Parliament*. This last bill he readily passed to the great satisfaction of the people, and shewed himself very willing to recal his forces from *Flanders*, in order to their disbanding, but the *Militia Bill* he totally rejected, alledging, *That it was to put the militia out of his power, which thing he would not do*, NO NOT FOR ONE HOUR; but if the Commons would assist him with money for that purpose, he would take care to raise such a part of the militia, as should secure the peace of the government, and his own person. And to the same effect, he shortly after sent a message to the house of Commons, declaring, it was to prevent all misunderstandings that might arise from his not passing that bill.

Designs a-
gainst the
Treasurer
Danby.

While the two houses of Parliament were busily employed, and warmly, upon the scent of the popish plot, they were of a sudden diverted, and thrown into a new flame by an unexpected event that appeared at this time. The cause of it was from a long design laid to overthrow the prime Minister of state, the Lord Treasurer Danby, whose endeavours to bring the King out of those destructive methods he had been led into by the cabal, and the French interest, and his rejecting many offers of France with a generous indignation, had given such a distaste to that court, that it became a maxim amongst them, *That he must be ruined before they could do any good in England*. To effect this, Monsieur Barillon, the French Ambassador, found it the best way to join with one party in the Parliament; and
young

young *Ruvigny* was sent over from *France* purposely to manage with the Lord *Russel*, and other Malecontents in the house of Commons; while the Duke of *Monmouth*, Earl of *Shaftsbury*, *Essex*, and others of the same party, join'd with the Dutchess of *Portsmouth*, to lessen his reputation with the King; who had already been displeased with him for giving so much countenance to the Plot. These seeming separate interests being thus combined and devoted to his destruction, there wanted only a fair opportunity to accomplish it; and this was effected by means of the honourable *Ralph Montagu*, formerly mentioned, the *English* Ambassador in the *French* court, a person of great Parts and subtlety, who had been for some time projecting and obtaining *French* money for his *Britannick* Majesty. But that part of his employment being, or seeming to be at an end by the approaching peace, he was desirous to come over, and be one of the Secretaries of State; in which he was civilly opposed by his old friend the Lord Treasurer, who had been particularly engaged to bring in Sir *William Temple*. Whereupon he came privately over into *England*, without the King's consent or knowledge, and not only got himself chosen into the house of Commons, for *Northampton*, but secretly joined himself with *Barillon*, and the discontented members, and seemed to wait for the first occasion to expose his master's secrets, and to defeat his prime minister; which thus presented it self.

The King, who began highly to dislike his proceedings, received such kind of intelligence from Mr. *Olivecrans*, the *Swedish* Ambassador, that on the 19th of *December*, he sent a message to the house of Commons, that upon information, that Mr. *Mountagu*, a member of that house, and late ambassador in *France*, had held several conferences with the pope's Nuncio there, without any directions or instructions from his Majesty; his Majesty to the end

end that he might know the truth of that matter, had given orders for the seizing Mr. *Mountagu's* papers. The house now looking upon this Gentleman as a profelyte, seemed fullen at the message, and particularly desired to know whether the information was upon oath, and of what nature the offence was? Upon which Mr. *Mountagu* standing up, took the opportunity to acquaint the house, ' That he had in his custody several papers, which ' he conceived might tend very much to the safety ' of his Majesty's person and the preservation of the ' kingdom.' A Committee was immediately appointed to bring the writings to the house; which being accordingly done, and Mr. *Mountagu* ordered to select such of them as he thought for the service of the house, and to dispose of the rest as he pleased, he produced two letters out of many others, both subscribed *Danby*, and both written to him when he was Ambassador at *Paris*.

Mr. *Mountagu* accuses him to the Commons.

Two of his letters produced.

The first was dated at *London*, *January* 17, 1677-8. in which they took notice of these words, ' Yesterday young *Ruvigny* came to me with Monsieur ' *Barillon*, (having given me his father's letters the ' day before) and discoursed much upon the confidence the *French* King hath of the firmness of our's ' to him; of the good opinion his master hath of ' me; of his King's resolution to condescend to any ' thing that is not infamous to him, for the satisfaction of our King; how certainly our King may ' depend upon all assistances and supplies from his ' master, in case the friendship be preserved.— ' The main of their drift was, to engage me to ' prevail with the prince of *Orange*, as to the town ' of *Tournay*—The King must come to some ' declaration of his mind to the Parliament when it ' meets. That which makes the hopes of peace less ' probable, is, that the Duke grows every day less ' inclined to it, and has created a greater indifference in the King than I could have imagined; which ' added

‘ added to the *French* King’s resolutions, not to part
 ‘ with *Tournay*, does, I confess, make me despair
 ‘ of any accommodation: Nevertheless, I am as-
 ‘ sured, that one principal cause of this adjournment
 ‘ for thirteen days, has been to see if any expedient
 ‘ for the peace could have been found in that time;
 ‘ and the effect of the adjournment hath hitherto
 ‘ been, that no body will now believe other than
 ‘ that the peace is already concluded between us and
 ‘ *France*.’

The second letter produced by Mr. *Mountagu*,
 was dated *London*, *March* 25, 1678, in which were
 marked out these words: ‘ In case the conditions of
 ‘ the peace shall be accepted, the King expects to
 ‘ have six millions of *livres* a year, for three years,
 ‘ from the time that this agreement shall be signed
 ‘ betwixt his Majesty and the King of *France*;
 ‘ because it will probably be two or three years
 ‘ before the Parliament will be in the humour to
 ‘ give him any supplies, after the making any peace
 ‘ with *France*; and the Ambassador here has always
 ‘ agreed to that sum, but not for so long a time. If
 ‘ you find the peace will not be accepted, you are
 ‘ not to mention the money at all; and all possible
 ‘ care must be taken to have this whole negotiation
 ‘ as private as is possible, for fear of giving offence
 ‘ at home; where, for the most part, we hear in
 ‘ ten days after of any thing that is communicated to
 ‘ the *French* Minister.

At the bottom of this letter are these words:

THIS LETTER IS WRIT BY MY ORDER.
 C. R.

Upon reading of these letters, the house was all
 in a flame, which was no ways allayed by the
 King’s own hand that appeared at the bottom; and
 now having gained the desired opportunity, they
 immediately resolved, ‘ That there was sufficient

‘ mat-

The Com-
mons draw
up articles
of impeach-
ment against
him.

‘ matter of impeachment against *Thomas Earl of Danby*, Lord Treasurer of *England*:’ And within two days, by the help of Mr. *Mountagu*, and Mr. *Harbord*, articles of impeachment were fully drawn up, and agreed on, as following:

I. That he hath traiterously encroached to himself regal power, by treating in matters of peace and war with foreign Princes and Ambassadors, and giving instructions to his Majesty’s Ambassadors abroad, without communicating the same to the Secretaries of state, and the rest of his Majesty’s council, &c.

II. That he hath traiterously endeavoured to subvert the ancient and well-established form of government; and instead thereof, to introduce an arbitrary and tyrannical way of government; and the better to effect this his purpose, he did design the raising of an army, under pretence of a war against the *French King*, and then to continue the same, as a standing army within this kingdom: And an army being so raised, and no war ensuing, an act being passed to pay and disband the same, he did continue the army contrary to the said act, and misapplied the money to the continuance thereof, and wilfully neglected to take security of the pay-masters of the army, as the said act required, &c.

III. That he traiterously intending and designing, to alienate the hearts and affections of his Majesty’s good subjects, from his royal person and government, and to hinder the meetings of Parliaments, and to deprive his Majesty of their safe and wholesome counsel, did propose and negotiate a peace for the *French King*, upon terms disadvantageous to the interest of his Majesty, and his kingdoms; for the doing whereof, he endeavoured to procure a great sum of money from the *French King*, for enabling him to maintain and carry on his said traiterous designs and purposes.

IV. That he is popishly affected, and hath traiterously concealed (after he had notice) the late horrid and bloody plot and conspiracy, contrived by the papists against his Majesty's person and government; and hath suppressed the evidence, and reproachfully discountenanced the King's witnesses in the discovery of it, in favour of popery, &c.

V. That he hath wasted the King's treasure, by issuing out of his Majesty's exchequer several branches of his revenue for unnecessary pensions and secret services, to the value of 231,602 pounds, within two years, &c. And he hath removed two of his Majesty's Commissioners of that part of the revenue, for refusing to consent to such his unwarrantable actings therein, and to advance money upon that branch of the revenue for private uses.

VI. That he hath by indirect means procured from his Majesty to himself, divers considerable gifts and grants of inheritance, of the ancient revenue of the crown, even contrary to acts of Parliament.

The Lord Treasurer finding so great a storm ready to fall upon him, and chiefly by the means of Mr *Mountagu*, thought once to divert it by exposing all that Gentleman's Letters, which, especially in the case of the *French* money, must have rendered him much more obnoxious than himself. All this he found necessary in his own defence, without he was sufficiently protected by the King his master; who, upon consulting with him, thereupon offered him his pardon, if occasion required, to plead against the impeachment; and he was particularly told by his Majesty, *That he owed him more duty than to expose his and his Ambassadors letters of private negotiations betwixt him and the King of France; and he was sure he would not be guilty of such perfidious baseness to him, as Mountagu had been.* However, whether by permission or otherwise, the trea-

surer sent two of Mr. *Mountagu's* letters to the house of Commons, expecting they might turn to his advantage.

The first was dated *Paris, January 11, 1677-8.* in which were these words, ‘ I give you the best
‘ light I can into the reason of Monsieur *Ruvigny's*
‘ son's journey into *England*, who will be there
‘ perhaps as soon as this letter. If his father's age
‘ would have permitted it, I believe they would
‘ have sent him; for they have chosen the son, who
‘ is to make use of lights his father will give him;
‘ and by the nearer relation he has to my Lady
‘ *Vaughan*, who is his cousin-german, and the particular friendship which father and son have with
‘ Mr. *William Russel*, he is to be introduced into a
‘ great commerce with the male-contented members
‘ of Parliament, and insinuate what they shall think
‘ fit, to cross your measures at court, if they shall
‘ prove disagreeable to them here, whilst Monsieur
‘ *Barillon* goes on in his smooth civil way.

The second letter, dated *Paris, January 18, 1677-8*, has these words, after speaking of young *Ruvigny's* journey: His chief errand is to let the King know, ‘ That the King of *France* did hope
‘ he was so firm to him, as not to be led away by
‘ the grand Treasurer, [*Danby*] who was an ambitious man, and, to keep himself with the people,
‘ would gratify their inclinations, by leading his
‘ master into an unreasonable war against *France*.
‘ That as for money, if he wanted that, he should
‘ have what he would from hence. His instructions are, if this does not take, by the means of
‘ *William Russel*, and other discontented people, to
‘ give a great deal of money, and cross all your
‘ measures at court.—Old *Ruvigny*, who values
‘ himself for knowing of *England*, has given it them
‘ for a maxim, *That they must diminish your credit,*
‘ *before they can do any good*; but since their chief
‘ quarrel to you is, the being so just to your master's
‘ interest,

‘ interest, I am sure he is too just to let them do
 ‘ you any hurt. If the King is for a war, you
 ‘ know what to do; if he hearkens to their mo-
 ‘ ney, be pleased to let me know what they offer,
 ‘ and I dare answer to get our master as much a-
 ‘ gain; for *Barillon*’s orders are to make the mar-
 ‘ ket as low as he can.’

These, when offered in the Earl’s vindication, were not suffered to be read; and the Commons pursued him with greater eagerness than the five popish Lords accused of the plot. Insomuch, that in two days they both impeached him at the bar of the house of Peers, and sent up the articles by Sir *Henry Capel*, brother to the Earl of *Essex*, under the title of, *Articles of impeachment of high treason, and other high crimes, misdemeanors, &c.* Upon the reading of these, the Earl stood up in his own justification, and made a formal speech, of which the greatest part is worthy to be preserved. After a handsom introduction, he proceeded thus:

The Lord
Treasurer
impeached.

My Lords,

I know this is not the time for me to enter regularly upon my defence, because I know your Lordships will first order me a copy of my charge, and appoint me a time for my vindication; when I doubt not to do it to the full satisfaction of your Lordships and all the world. In the mean time I will only beg leave to observe to your Lordships, that those articles in this charge, which seem to have any thing of treason in them, have their answer so obvious, that there is very little in them which may not be answered by many others, as well as my self, and some of them by every man in the kingdom. The first, which is *assuming of regal power*, I confess I do not understand; having never in my life done any thing of great moment, either at home, or relating to foreign matters, for which I have not always had his Majesty’s command. And tho’ I am

Hisvindi-
cating speech
to the Lords.

far from having been the most cautious man in taking care of my own security, (which perhaps my great innocence hath been the cause of) yet I have not been so wanting of common prudence, as in the most material things not to have had his Majesty's orders and directions under his own hand, and particularly for the letters now made use of against me. The second I think doth scarce need my giving any answer to; it being obvious, that the army was no more raised by me, than by every Lord in this house: And whoever is in that station which I hold, must certainly be a fool, to desire any thing which creates a want of money, especially so great a one as the charge of an army must necessarily and immediately produce. And for one part of the article concerning the pay-master of the army, it is in fact otherwise; for security from the pay-master has been taken in the sum of four hundred thousand pounds. The third is of the same nature with the first, and comes from the same foundation, which is, what a Gentleman hath thought fit to produce to the house of Commons. I will not now censure his actions, I think it will do enough for it self; I will only say, that tho' I take it for one of the greatest misfortunes that can befall a man, to lie under such a charge of the house of Commons, yet I would much sooner chuse to be under that unhappiness, than under his circumstances.

The fourth article is not only false in every part of it, but it is not possible to believe it true, without my being the greatest fool on earth, as well as the blackest villain. For were I capable of such wickedness, yet the more wicked any man is, the more he is carried to his own interest; and is it possible any thing under heaven can agree less with my interest, than the destruction of this King? Can I possibly hope to be better than I am? And is it not apparent, that there is not one man living, whose happiness depends so much as mine upon the preservation

vation of his person? *My Lords*, I know that there is not one man in the world, that can in his heart think me guilty of that part of the article, if I should say nothing to it. But besides, I was so far from concealing this hellish plot, that it is notoriously known, his Majesty sent me the first notice of it, together with forty three heads of the information, before I knew a syllable of it from any body else: And it hath been owned at the bar of the house of Commons by him, from whom only I had the intelligence, *That he had all the encouragement and dispatch from me that I could give him.* Besides, when it was disclosed to the council-board, he told some of the clerks of the council, as he had done me divers times before, *That it would have been much better, and more would have been discovered, if it had been longer kept private.* Besides this, I had the fortune to be particularly instrumental in seizing Mr. Coleman's papers, without which care, there had not one of them appeared, and consequently, the best and most material evidence which is yet of the plot, had been wholly wanting. And certainly this is the first time that any man was accused to be the concealer of that plot, whereof he hath been a principal means of procuring the discovery. For that part of the article that says, I am *popishly affected*, I thank God that the contrary is so known to all the world, that even some of those that voted against me, did own their knowledge of the falsity of that allegation; and I hope I have through my whole life given so good testimony of my religion, both in my own family, and by my services to the church, whenever it hath lain in my power, that I shall not need much vindication in that particular: And I hope your Lordships will forgive me my weakness, in telling you, that I have a younger son in the house of Commons, whom I shall love the better as long as I live, for moving to have that part of the article to stand against me,

That by that pattern it might appear, with what sort of zeal the whole hath been carried to my prejudice.

The *fifth article* will, upon examination, appear to be as ill grounded as any of the rest; and I am sorry I am able to give one reason, which is, that I have known no treasure in my time to waste, having entered upon an empty treasury, and never seen one farthing given to his Majesty, in almost six years, that hath not been appropriated to particular uses, and strictly so applied by me, as the acts have directed. And there hath not been one of those aids, which, instead of giving the King money, hath not cost him more out of his own purse to the same uses, as doth appear by the larger dimensions of the new ships, and so in other things: Inasmuch, that I take upon me the vanity to say, that by the payments I have made to the navy and seamen beyond former times; the paying off the greatest part of the debt which was stopt in the exchequer before my time; by my punctuality in the course of payments, and by other things which I am able to shew, I doubt not to appear meritorious, instead of being criminal upon that article.

As to the *sixth article* which mentions my great gettings, I cannot deny but that I serve a Master, whose goodness and bounty hath been a great deal more to me than I have deserved, and to whom I can never pay gratitude enough by all the services of my Life. But when the particulars of those gettings shall appear, it will be found very contrary to what is suggested abroad; and that in near six yearstime in this great place, I have not got half that, which many others have got in lesser places in half that time. And from the examination of this, which I desire may be seen, there will arise matter to accuse my prudence, and not having done for my family what justly I might, but nothing to arraign my honour, my conscience, or my faithful service to the crown.

My

My Lords, if my obedience to the King shall not be my crime, I think nothing else will stick upon me from these articles: For my own heart flatters me to believe, that I have done nothing but as a true protestant, and a faithful servant both to my King and country. Nay, I am as confident, as that now I speak, that had I been either a papist or a friend to the *French*, I had not been now accused: For I have reason to believe, that the principal informer of the house of Commons hath been assisted by *French* advice to this accusation; and if that gentleman were as just to produce all he knows for me, as he hath been malicious to shew what may be liable to misconstruction against me, or rather against the King, as indeed it is, no man could vindicate me more than himself, under whose hand I have to shew, *how great an enemy to France I am thought; how much I might have had to have been otherwise; and what he himself might have had for getting me to take it.* But I do not wonder this gentleman will do me no right, when he does not think fit to do it to his Majesty, upon whom chiefly this matter must reflect: Though he knows, as will appear under his hand, ‘ That the greatest invitations to his Majesty for having money from *France* have been made by himself; that if his Majesty would have been tempted for money, he might have sold towns for as much as if they had been his own, and the money have been conveyed as privately as he pleased: That his Majesty might have made matches with *France*, if he would have consented to have given them Towns;’ and yet, that the King hath always scorned to yield the meanest village, that was not agreed to by the *Spaniards* and *Hollanders*. That gentleman hath often pretended *how much his own interest in France was diminished, only by being thought my friend*; and besides divers other instances I have under his hand, to shew the malice of the *French* court against me, I sent two of

his Letters to the house of Commons, which shew how Monsieur *Ruvigny* was sent hither on purpose to ruin me, which I am well assured at this time they would rather see, than of any man in *England*. Besides what that gentleman could say of this kind, if he pleased, I hope his Majesty will give me leave in my defence, to say in his presence, and in the hearing of divers Lords, with whom I have the honour to sit in the committee of foreign affairs, that, which were it not true, his Majesty must think me the impudentest and worst of men, to affirm before him, that ever since I had the honour to serve his Majesty to this day, I have delivered it as my constant opinion, ' That *France* was the worst interest his Majesty could embrace; and that they were the nation in the world from whom I did believe, he ought to apprehend the greatest danger; and who have both his PERSON and GOVERNMENT under the last degree of contempt: For which reason alone, were there no other, I would never advise his Majesty to trust to their friendship.'

Upon the debate of this grand affair, we are told of a very peculiar speech pronounced by the Earl of *Carnarvan*, a Lord who is said never to have spoken before in that house, who having been heated with wine, and more excited to display his abilities by the Duke of *Buckingham* (who meant no favour to the Treasurer, but only ridicule) was resolved before he went up, to speak upon any subject that would offer itself. Accordingly he stood up, and delivered himself to this effect.

My Lords,

The Earl of
Carnarvan's
Speech.

I Understand but little of *Latin*, but a good deal of *English*, and not a little of the *English* history; from which I have learnt the mischiefs of such kind of prosecutions as these, and the ill fate of the prosecutors. I could bring many instances, and those

those very ancient ; but, my Lords, I shall go no farther back than the latter end of Queen *Elizabeth's* reign : At which time the Earl of *Essex* was run down by Sir *Walter Rawleigh*, and your Lordships very well know what became of Sir *Walter Rawleigh*. My Lord *Bacon*, he ran down Sir *Walter Rawleigh*, and your Lordships know what became of my Lord *Bacon*. The Duke of *Buckingham*, he ran down my Lord *Bacon*, and your Lordships know what happened to the Duke of *Buckingham*. Sir *Thomas Wentworth*, afterwards Earl of *Strafford*, ran down the Duke of *Buckingham*, and you all know what became of him. Sir *Harry Vane*, he ran down the Earl of *Strafford*, and your Lordships know what became of Sir *Harry Vane*. Chancellor *Hyde*, he ran down Sir *Harry Vane*, and your Lordships know what became of the Chancellor. Sir *Thomas Osbourn*, now Earl of *Danby*, ran down Chancellor *Hyde* ; but what will become of the Earl of *Danby* your Lordships best can tell. But let me see that man that dare run the Earl of *Danby* down, and we shall soon see what will become of him.

This being pronounced with a remarkable humour and tone, the Duke of *Buckingham*, both surpris'd and disappointed, after his way, cried out, *The man is inspired ! and claret has done the business.*

However it was, the house could not come to an agreement to imprison the Earl, whose cause was now the discourse and noise of the whole Town, and seem'd to labour under great difficulties. The King himself was so disturb'd and perplexed with these proceedings, which confounded the minds of all men, that he resolv'd, as usually in such cases, to put an end to the session, before he had pass'd one bill, besides that killing act against the *Roman Catholics* before mentioned.

Accordingly, on Monday the 30th of December, he came to the house of Lords, and declared in a Speech,

The King's
Speech.

‘ **T**HAT it was with great unwillingness that
‘ he came to tell them, that he intended to
‘ prorogue them; that all of them were witnesses,
‘ he had not been well used, the particulars of
‘ which he would acquaint them with at a more
‘ seasonable time. In the mean time he would im-
‘ mediately enter upon the disbanding the army,
‘ and do what good he could for the kingdom, and
‘ safety of religion; and that he would prosecute
‘ the discovery of the popish plot, to find out the
‘ instruments of it, and to take all the care that was
‘ in his power to secure the protestant religion, as it
‘ was now by law established. And accordingly his
‘ Majesty was pleased to prorogue the Parliament
‘ till the 4th day of *February* next. And thus ended
‘ the eighteenth and last session of the second and
‘ long Parliament, after it had continued the space of
‘ two months and nine days.’

This was the most warm and busy session of any that preceded it, both houses were worked into a flame, and no money was given to the King: The Commons indeed had prepared a money bill for disbanding of the army, but had inserted a clause for the money to be paid into the chamber of *London*; for which reason the Lords totally rejected it.

On the 24th of the month of *January*, his Majesty issu’d out a surprizing Proclamation, in which he declared,

‘ That he had taken into his serious consideration,
‘ the many inconveniencies arising by the over-long
‘ continuance of one and the same Parliament;
‘ wherefore he publishes and declares his royal Will
‘ and

‘ and pleasure to *dissolve this present Parliament.*
 ‘ But to the intent his Majesty’s loyal subjects may
 ‘ perceive the confidence his Majesty hath in their
 ‘ good affections, and how willing and desirous his
 ‘ Majesty is to meet his people, and have their ad-
 ‘ vice by their representatives in Parliament, he will
 ‘ cause writs in due form of law, to be forthwith
 ‘ issued for the *calling of a new Parliament*, which
 ‘ shall begin and be holden at *Westminster*, on *Thurs-*
 ‘ *day* the sixth day of *March* next; when his Ma-
 ‘ jesty doth expect such laws will be enacted, and
 ‘ such order taken, by the consent and advice of his
 ‘ Parliament, as will tend to the securing the true
 ‘ protestant religion, and the peaceable and happy
 ‘ government of this his kingdom.’

The King having prepared the way by all plau-
 sible Methods, to render himself and his business ac-
 ceptable to his new Parliament; on *Thursday* the
 6th of *March*, that great assembly met at *Westmin-*
ster, watched and attended by the eyes and ears of
 the whole kingdom. After all the present members
 had taken the oaths of allegiance and supremacy, his
 Majesty appeared in great splendor upon his throne,
 and having sent for the house of Commons he made
 this remarkable speech to both houses:

The third
 Parliament.
 1679.

My Lords and Gentlemen,

‘ **I** Meet you here with the most earnest desire that
 ‘ a man can have, to unite the minds of all my
 ‘ subjects, both to me, and to one another. And I
 ‘ resolve it shall be your faults, if the success be not
 ‘ suitable to my desires. I have done many great
 ‘ things already in order to that end, as the exclusion
 ‘ of the popish Lords from their seats in Parliament;
 ‘ the execution of several Men, both upon the score
 ‘ of the Plot, and the murder of Sir *Edmund-bury*
 ‘ *Godfrey*; and it is apparent, that I have not been
 ‘ idle in prosecuting the discovery of both, as much
 ‘ farther

The King’s
 Speech to
 both Houses.

' farther as hath been possible in so short a time. I
 ' have disbanded as much of the army as I could get
 ' money to do ; and I am ready to disband the rest
 ' so soon as you shall reimburse me the money they
 ' have cost me, and will enable me to pay off the
 ' remainder : And above all, I have commanded
 ' my brother to absent himself from me, because I
 ' would not leave malicious men room to say, *I had*
 ' *not removed all causes which could be pretended to in-*
 ' *fluence me towards popish counsels.*

' Besides that end of union which I aim at (and
 ' which I could wish could be extended to prote-
 ' stants abroad as well as at home) I propose by this
 ' last great step I have made, to discern whether *the*
 ' *protestant religion, and the peace of the kingdom* be as
 ' truly intended by others, as they are really aimed
 ' at by me : For if they be, you will employ your
 ' time upon the great concerns of the nation, and not
 ' be drawn to promote private animosities, under the
 ' pretences of the public : Your proceedings will be
 ' calm and peaceable, in order to those good ends I
 ' have recommended to you ; and you will curb
 ' the motions of any unruly spirits, which would
 ' endeavour to disturb them.

' I hope there will be none such among you, be-
 ' cause there can be no man that must not see, how
 ' fatal differences amongst ourselves are like to be
 ' at this time, both at home and abroad. I shall not
 ' cease my endeavours, daily to find out what more
 ' I can, both of the Plot, and the murder of Sir
 ' *Edmund-bury Godfrey*, and shall desire the as-
 ' sistance of both my houses in the work. I have
 ' not been wanting in giving orders for putting all
 ' the present laws in execution against papists ; and
 ' I am ready to join in the making such farther laws,
 ' as may be necessary for securing the kingdom a-
 ' gainst popery.

' I must desire your assistance also in the supplies,
 ' both for disbanding the army, as I have already

‘ told you, and for paying that part of the fleet,
‘ which hath been provided for by Parliament but
‘ till the fifth of *June* last; as also that debt for
‘ stores, which was occasioned by the *Poll Bill*’s fall-
‘ ing short of that sum, which that act gave credit for.
‘ I must necessarily recommend to you likewise, the
‘ discharging of these anticipations which are upon
‘ my revenue, and which I have commanded to be
‘ laid before you; and I hope I have just cause to
‘ desire such an *increase of the revenue* itself, as might
‘ make it equal to my necessary expences; but by
‘ reason of those other supplies, which are absolutely
‘ necessary at this time, I am contented to struggle
‘ with that difficulty a while longer; expecting for
‘ the present only, to have those additional duties
‘ upon customs and excise to be prolonged to me;
‘ and that you will some other way make up the loss
‘ I sustain by the prohibition of *French* wines and
‘ brandy, which turns only to my prejudice, and to
‘ the great advantage of the *French*. I must needs
‘ put you in mind how necessary it will be to have
‘ a good strength at sea, next summer, since our
‘ neighbours are making naval preparations: and
‘ notwithstanding the great difficulties I labour un-
‘ der, I have taken such care as will prevent any
‘ danger that can threaten us, if your parts be per-
‘ formed in time. And I do heartily recommend to
‘ you, that such a constant establishment might be
‘ made for the navy, as might make the kingdom
‘ not only safe, but formidable; which can never
‘ be, whilst there remains not enough besides, to
‘ pay the necessary charges of the crown.

‘ I will conclude as I begun, with my earnest de-
‘ sires to have this a **HEALING PARLIAMENT**;
‘ and I do give you this assurance that I will with my
‘ life defend both the protestant religion, and the
‘ laws of this kingdom, and I do expect from you
‘ to be defended from the *calumny*, as well as the
‘ danger of those worst of men, who endeavour to
‘ render

‘ render me, and my government, odious to my
 ‘ people. The rest I leave to the Lord Chancel-
 ‘ lor.’

*Accordingly the Lord Chancellor Finch delivered a
 long and eloquent speech, of which the greatest
 part must be inserted. After a handsom introduc-
 tion, he proceeded thus :*

Chancellor
 Finch's
 Speech.

TH E considerations which are now to be
 laid before you, are as urgent and as weighty
 as were ever yet offered to any Parliament or in-
 deed ever can be ; so great, and so surprizing have
 been our dangers at home, so formidable are the
 appearances of danger from abroad, that the most
 united councils, the most sedate and calmest tem-
 per, together with the most dutiful and zealous af-
 fections that a Parliament can shew, are all become
 absolutely and indispensably necessary for our pre-
 servation. At home, we had need look about us :
 For his Majesty's Royal Person hath been in dan-
 ger, by a conspiracy against his sacred life, malici-
 ously contrived, and industriously carried on, by
 those seminary priests and jesuits, and their adhe-
 rents, who think themselves under some obligati-
 ons of conscience to effect it ; and having vowed
 the subversion of the true religion amongst us, find
 no way so likely to compass it, as to wound us in
 the head, and to kill the *Defender of the Faith*. His
 Majesty wanted not sufficient evidence of his zeal
 for our religion, without this testimony from his
 enemies, who were about to sacrifice him for it :
 But it hath ever been the practice of those votaries,
 first to murder the fame of Princes, and then their
 Persons ; first to slander them to their people, as
 if they favoured papists, and then to assassinate
 them for being too zealous protestants. And thus,
 by all the ways and means which our law calls
 treason, and their divinity calls merit and martyr-
 dom,

dom, they are trying to set up the dominion and the supremacy of the Pope, as if the dignity of his triple crown could never be sufficiently advanced, unless these three kingdoms were added unto him, and all brought back again under that yoke, *which neither we, nor our fore fathers, were able to bear.*

The enquiry into this conspiracy hath been closely pursued, and the Lords of the council have been careful to prosecute the discovery, ever since the rising of the last Parliament, and the King doth now recommend it to you to perfect. More evidence hath been already found out, and more malefactors discovered, some in hold, some fled; the Justices of the peace have been quickened in the execution of their duty, the negligent have been reprov'd and punished, the diligent encouraged, and assisted, in doubtful cases, by the opinion of the Judges; active and faithful messengers have been sent into all the corners of the kingdom, where there was any hopes of service to be done; the very prisons have been searched, to see whether any had fled thither to hide themselves there, and under pretence of debt to escape the pursuit; and if any have desired leave to go beyond sea, they have first given security not to go to *Rome*, nor send their children to any foreign seminaries; and then they have been obliged to give in a list of all their menial servants, and those servants too have been examined upon oath: And order is given that they be again examined at the ports, and make oath they are the same persons who were examined above: So that all possible care hath been taken that no malefactors might escape us in disguise. And tho' the priests themselves do not keep the confessions of their proselytes more secret than these keep the injunctions of their priests, yet enough hath appeared to bring some capital offenders to public justice, and to convict them of the crime: some of the traitors have been executed; several

I priests,

priests have been arrested and imprisoned ; all are hiding themselves, and lurking in secret corners, like the *sons of darkness*. The murderers of Sir *Edmund-bury Godfrey* have been condemned and suffered death : Some papists have banished themselves out of the kingdom, others are imprisoned for not taking the oaths : All are prosecuted towards conviction ; and the very shame and reproach, which attends such abominable practices, hath covered so many faces with new and strange confusions, that it hath proved a powerful argument for their conversions : Nor is it to be wondered at, that they could no longer believe all that to be gospel which their priests taught them, when they saw the way and means of introducing it was so far from being evangelical. In a word, so universal is that despair to which the papists are now reduced, that they have no other hope left but this, *that we may chance to over-do our own business* ; and, by being too far transported with the fears of popery, neglect the opportunities we now have of making sober and lasting provisions against it. And 'tis not to be doubted but that it would infinitely gratify the papists in the revenge they wish, for this discovery, if they could see us distracted with jealousies incurable, and distrusting the government to such a degree, as should weaken all that reverence by which it stands : For then the plot would not be altogether without effect ; but those whom they could not destroy by their conspiracy, they should have the satisfaction to see ruining themselves after the discovery : So that, tho' we had escaped that desolation which they intended to have brought upon us, nothing could save us from that destruction which we shall bring upon ourselves. But their expectations of this are as vain, as their other designs were wicked : For his Majesty hath already begun to let them see with what severity he intends to proceed against them. He hath
passed

passed a law to disable all the nobility and gentry of that faction ever to sit in Parliament; and not content with that, he did offer to the last Parliament, and does again renew the same offer to this Parliament, to pass any farther laws against popery which shall be desired: So as the same extend not to the diminution of his own prerogative, nor alter the descent of the crown in the right line, nor defeat the succession. He hath refused the petition of the Lords, who during the interval of Parliament, desired to be brought to their trial, and, after so long an imprisonment, might reasonably enough have expected it. But his Majesty thought it fitter to reserve them to a more publick and conspicuous trial in Parliament: For which cause their trial ought now to be hastned; for it is high time there should be some period put to the imprisonment of the Lords.

But that which the King hath been pleased to mention to you this morning, surpasses all the rest, and is sufficient of itself alone to discharge all those fears of popish influences, which many good men had too far entertained: For now you see his Majesty of his own accord hath done that, which would have been very difficult for you to ask; and hath deprived himself of the conversation of his royal and only brother, by commanding him to depart the kingdom; to which command his Royal Highness hath paid a humble and a most entire submission and obedience. This separation was attended with a more than ordinary sorrow, on both sides. But he, that, for your sakes, could part with such a brother, and such a friend, you may be sure, hath now no favourite but his people. Since therefore his Majesty hath shewn so much readiness to concur with, and in a manner to prevent the desires of his Parliament, it is a miserable refuge our enemies must trust to, when they hope to see our zeal out-run our discretion, and that

we ourselves shall become the unhappy occasion of making our own counsels abortive. Not only the care of the state, but the care we ought to have of the Church too, will preserve us from errors of this kind: For as there neither is, nor hath been these fifteen hundred years, a purer church than ours; so it is for the sake of this church alone, that the state hath been so much disturbed. It is her truth and peace, her decency and order, which they labour to undermine, and pursue with so restless a malice: And since they do so, it will be necessary for us to distinguish between popish and other recusants, between them that would destroy the whole flock, and them that only wander from it. And among the many good laws you shall think fit to provide, it may not be amiss to think of some better remedy for regulating the press, from whence there daily steal forth *popish catechisms, psalters*, and books of controverfy: And it may be another good fruit of such law, to hinder schismatical and seditious libels too; for certainly it were much better for us to make such laws as will prevent offences, rather than such as serve only to punish the offenders.

‘ Then, insisting upon the reasonableness of a supply, from the dangers abroad, and necessities at home, he proceeded thus:’

My Lords and Gentlemen,

There are many things to do, and so little time to do them in, that there ought not to be one minute lost. The season of the year is not yet so far advanced, as to make it too late to set out a fleet this summer; for most of the preparations are ready, if we go about it with that diligence which is requisite. And therefore it doth infinitely import us all to husband time. The best way of doing this will be, to avoid all long and tedious consultations, which sometimes do as much harm as ill resolutions: And, aboveall, to take heed to avoid
such

such questions and debates as tend to raise heat, or may create any kind of disturbance. Nor doth any thing in the world so much contribute to dispatch as quiet and orderly proceedings: For they who are in haste, and attempt to do all their business at once, most commonly hinder themselves from bringing any thing to perfection. You have now an opportunity of doing great things for the King and kingdom; and it deserves your utmost care to make a right use of it: For it is not in the power of a Parliament to recover a lost opportunity, or to restore themselves again to the same circumstances, or the same condition, which they once had a power to have improved. Would you secure religion at home, and strengthen it abroad, by uniting the interest of all the protestants in *Europe*? *This is the time.* Would you let the christian world see the King in a condition able to protect those who shall adhere to him, or depend upon him? *This is the time.* Would you extinguish all our fears and jealousies? Would you lay aside all private animosities, and give them up to the quiet and repose of the publick? *This is the time.* Would you lay the foundations of a lasting peace, and secure the church and state against all the future machinations of our enemies? **THIS IS THE TIME.**

My Lords and Gentlemen,

The present face of things, and the state wherein we now now are, is so well known and understood abroad, that the whole world is in great expectations of those resolutions which shall be taken here: The results of this council seem to be decisive of the fate of these kingdoms for many ages, and are like to determine us either to happiness or misery of a very long duration. We use to say, and say truly, *That the King, when seated in Parliament, is then in the fulness of his Majesty and power,*

and shines forth with the brightest lustre. Let no exhalation from beneath darken or obscure it! Foreign nations say, and say truly, that a King of England, in conjunction with his Parliament, is as great and dreadful a Prince as any in Europe: Shew them the sight they are afraid of! And since they have laid it down for a maxim in their politicks, That England can never be destroyed but by itself; and that it is in vain to make any attempts upon this nation, until they be in some great disorder and confusion among themselves; make the ambitious despair betimes, and establish so perfect an intelligence between all the parts of this great body, that there may be but one heart, and one soul among us. And let us all pray, That he, who hath once more miraculously delivered the King, the church, and the state, would be pleased still to continue his divine protection, and give us thankful and obedient hearts. And when we have offered up those hearts to God, let us in the next place offer them again to the King, and lay them down at the footstool of his throne, that so the King may see himself safe in your counsels, rich in your affections, victorious by your arms, and raised to such a height by your loyalty and courage, that you may have the honour of making him the greatest King, and he the glory of making you the happiest people.

In conclusion, by the King's commands, he ordered the house of Commons to proceed to the choice of a Speaker, who was to be presented to the King the next day; and being returned to their house, Colonel *Birch* did nominate and recommend the Right Honourable *Edward Seymour*, Knight of the Shire for the County of *Devon*, Treasurer of the Navy, one of his Majesty's most Honourable Privy-Council, and Speaker of the last Parliament: Being a person acceptable to the King, and one who for his great integrity, ability, and long experience in the employment, was the fittest

est person for so great a trust. And Mr. *Seymour* being unanimously called upon to the chair, was conducted thither by Sir *Thomas Lee*, Sir *Thomas Whitmore*, and divers other members, and being there placed, he made a gratulatory speech to the house for their great kindness and affection towards him, in their unanimous choice of him: But still he desired the house that they would proceed to a new election, ' For the long sittings of the late
 ' Parliament had so impaired his health, that he
 ' doubted he should not be well able to undergo
 ' the service of the house, as would be expected
 ' from him: ' But the house not admitting of any excuse, confirmed their choice; upon which he desired leave, ' That he might intercede with his Majesty, that he would be pleased to discharge him
 ' of the duty.'

But it appears, that he needed not have been so urgent; for the King and the Earl of *Danby* taking this choice to be an ill presage, that this Parliament would begin where the last ended, were resolved not to approve of it: And as soon as he appeared to be presented, the Lord Chancellor stood up, and said, ' That if his Majesty should
 ' always accept a person pitch upon by the house
 ' of Commons, then it would be no great favour
 ' to be chosen a Speaker; and therefore his Majesty, being the best judge of persons and things,
 ' thought fit to except against Mr. *Seymour*, as being fitly qualified for other services and employments, without giving any reason to the persons choosing or the person chosen.' And therefore he ordered them to fix upon some other person by to morrow morning, to be presented to the King for his approbation. The Commons immediately returned back to their own house, where Sir *John Ernly* stood up and acquainted them, ' He had orders from his Majesty to
 ' recommend Sir *Thomas Meers* to them to be their
 ' Speaker, as a person well known in the method

The King
refuses him.

The Com-
mons dis-
gusted.

‘ and practice of Parliaments, and a person that he
‘ thought would be very acceptable and serviceable
‘ to them.’ But the house in a great heat cried out,
No, no! and fell into a warm debate. Mr. *Sa-
cheverell* said, ‘ It was never known that a person
‘ should be excepted against, and no reason at all
‘ given, and therefore concluded, that it was done
‘ purposely to gratify some particular persons.
‘ Mr. *Williams* said, for above a hundred years,
‘ it had not been known that a Speaker presented
‘ was ever excepted against; and the thing itself of
‘ presenting him to the King, as he humbly con-
‘ ceived, was but a bare compliment. Sir *Thomas
Clarges* alledged, that there were Parliaments long
‘ before there were Speakers chosen, and afterwards
‘ for the ease of the house among themselves, they
‘ pitched upon a Speaker.——All our lives and
‘ liberties are preserved by this house, therefore we
‘ are to preserve the liberties of it. Mr. *Garraway*
‘ objected, if Mr. *Seymour* be rejected, and no
‘ reason given, pray who must chuse a Speaker,
‘ the King or we? It is plain not we?——Sir
‘ *Thomas Lee* said, we addressed ourselves to his
‘ Majesty the last Parliament, as fearing his person
‘ to be in danger, but we received no answer at all
‘ in a whole week; we were immediately prorogued
‘ unexpectedly; and a little after dissolved, as un-
‘ expectedly; and I suppose, the same persons that
‘ gave that advice, gave this also.’ Others con-
‘ cluded, that all this was only for a bone of conten-
‘ tion, fearing they should agree, and so called to
‘ adjourn; which was soon agreed to.

These heats were so much the greater, because
they reasonably supposed that it was all occasioned
by the Earl of *Danby*; whose power was not whol-
ly at an end; and between whom and Mr. *Seymour*
there was a particular resentment. However, the
first thing resolved on the next day, being *Saturday*,
‘ was,

was, ' That an humble application be made to the ^{They apply to the King.}
 ' King, to acquaint his Majesty, that the matter
 ' yesterday delivered by the Lord Chancellor, re-
 ' lating to the Speaker, is of so great importance,
 ' that this house cannot immediately come to a reso-
 ' lution therein: And therefore do humbly desire his
 ' Majesty, that he will graciously be pleased, to grant
 ' some farther time for this house to take the mat-
 ' ter into consideration.' And they ordered the
 Chancellor of the dutchy, the Lord *Cavendish*, the
 Lord *Russel*, and Sir *Henry Capel*, immediately to
 attend his Majesty with this vote. Being returned
 in a short time, the Lord *Russel* acquainted the
 house, That they had attended his Majesty, who
 was sitting in council; and that his Majesty, as soon
 as he was informed they were to wait upon him
 from the house, immediately came out, and receiv-
 ed them with great chearfulness and kindness: And
 having delivered their message, his Majesty retired
 to the council chamber, and coming out again, was
 pleased to return the following answer by word of
 mouth, which they had reduced to writing:

Gentlemen,

' I have considered of your message, and do con- ^{His answer.}
 ' sent to a farther time, which I appoint to be
 ' on *Tuesday* next, unless you shall find some expe-
 ' dient in the mean time; for as I would not have
 ' my *prerogative* intrenched upon, so I would not do
 ' any thing against the privileges of the house.

*Upon the said Tuesday, they drew up this humble
 Representation.*

WE your Majesty's most dutiful and loyal <sup>The Com-
 mons repre-
 sentation.</sup>
 subjects, the Commons in this present Par-
 liament assembled, do with all obedience return your
 Majesty most hearty thanks for the favourable re-
 ception, and gracious answer your Majesty was
 pleased

pleased to return to our late message ; wherein your Majesty was pleased, not only to *allow us longer time*, to deliberate of what was delivered to us by the Lord Chancellor, relating to the choice of a Speaker, but likewise to express so great a care *not to infringe our privileges*. And we desire your Majesty to believe, no subjects ever had a more tender regard, than ourselves, to the rights of your Majesty, and your royal prerogative ; which we shall always acknowledge to be vested in the crown, for the benefit and protection of your people. And therefore for the clearing all doubts that may arise in your royal mind, upon this occasion now before us, we crave leave humbly to represent unto your Majesty, That it is the undoubted right of the Commons to have the free election of one of their members, to be their Speaker, and to perform the service of the house : And that the Speaker so elected, and presented according to custom, hath, by the constant practice of all former ages, been continued Speaker and executed that employment, unless such persons have been excused for some corporal disease, which has been alledged, either by themselves, or some others in their behalf, in full Parliament. According to this usage, Mr. *Edward Seymour* was unanimously chosen, upon the consideration of his great ability and sufficiency for that place, of which we had large experience in the last Parliament, and was presented by us to your Majesty, as a person we conceived would be most acceptable to your Majesty's royal Judgment. This being the true state of the case, we do in all humility lay it before your Majesty's view ; hoping that your Majesty, upon due consideration of former precedents, will rest satisfied with our proceedings, and will think fit not to deprive us of so necessary a member, by employing him in any other service ; but to give us such a gracious answer, as your Majesty, and your royal predecessors have always done heretofore upon

upon the like occasions; that so we may, without more loss of time, proceed to the dispatch of those important affairs, for which we were called hither: Wherein we doubt not but we shall so behave ourselves, as to give an ample testimony to the whole world, of our duty and affection to your Majesty's service, and of our care of the peace and prosperity of your kingdoms.

To this representation the King immediately gave this short answer.

Gentlemen,

‘ **A**LL this is but loss of time; and therefore The King's
 ‘ I desire you to go back again, and do as I answer.
 ‘ have directed you.’

This giving no satisfaction to the house, the next day, *March* 12th, the Commons, after a warm debate, drew up this following address:

Most gracious Sovereign,

WHEREAS by the gracious answer your The Com-
 Majesty was pleased to give to our first mons ad-
 message in council, whereby your Majesty was dress.
 pleased to declare a resolution, *not to infringe our just*
rights and privileges, we your Majesty's most dutiful
 and loyal Commons were encouraged, to make an
 humble representation to your Majesty upon the
 choice of our Speaker which on *Tuesday* last was
 presented by some of our members: We do, with
 great trouble and infinite sorrow, find by the report
 made to us by those members, at their return, that
 your Majesty was pleased to give us an immediate
 answer to the same, without taking any farther con-
 sideration; which, we are persuaded, if your Ma-
 jesty had done, what we then offered to your Ma-
 jesty would so far have prevailed upon your royal
 judgment, as to have given your Majesty satisfac-
 tion in the reasonableness of our desire; and preserv-
 ed

ed us in your Majesty's favourable opinion of our proceedings. And since we do humbly conceive, that the occasion of this question hath arisen from your Majesty's not being truly informed of the state of the case; we humbly beseech your Majesty, to take the said representation into your farther consideration, and give us such a gracious answer, that we may be put in a capacity to manifest our readiness, to enter into those consultations, which necessarily tend to the preservation and welfare of your Majesty and your kingdoms.

The King
prorogues
the Parlia-
ment.

Upon reading this address to the King, he immediately gave this quick and sharp return; *Gentlemen, I will send you an answer to morrow.* Accordingly, as he had often done before upon great difficulties, he resolved to put an end to the dispute; and on the next morning, being *Thursday* the 13th of *March*, he came to the house of Peers, and sending for the Commons, he immediately prorogued the Parliament till *Saturday* following, after the Commons had sat without a Speaker but six days. And thus the King found a way to gain his point, but with very little advantage to his own business and affairs.

The second
session.

On the appointed day, *March* 15th, his Majesty came to the house of Peers in his royal robes, and the house of Commons attending, his Majesty was pleased to put both houses in mind of what he said to them at the opening of the Parliament: And then the Lord Chancellor, by the King's command, directed the Commons to return to their house, and to proceed to the choice of a Speaker. And being returned, the Lord *Russel* put the house in mind of the King's commands, and immediately recommended *William Gregory* Serjeant at law, as a person for his great learning and integrity, fit for the employment. And Mr. Serjeant *Gregory* being unanimously called upon to the chair, he in a short speech modestly excused himself, and desired of the house,

house, that another might be nominated; but no excuse being admitted, he was formally conducted to the chair, by his two intimate friends, the Lord *Russel* and the Lord *Cavendish*, and there confirmed in the place.

On the *Monday* following, he was presented by the Commons to the King, in the house of Lords, who without hesitation approved of the choice.

The house of Commons appeared resolved, to pursue the latter measures taken in the former Parliament, and therefore on *Wednesday* the 19th of *March*, they resolved, ‘That a Committee be appointed to inspect the journals of the last session of the last Parliament, and to prepare and draw up a *state of the matters* then depending, and undetermined, and the progress that was made therein.’

And on the next day, they *Resolved*, that a Committee of *Secrecy* be appointed to take informations, and prepare evidence, and draw up articles against the Lords that are impeached, and that are now in the Tower, and to take such farther informations as shall be given, relating to the plot and conspiracy against his Majesty and the government, and the murder of Sir *Edmund-bury Godfrey*. And then, to be yet more particular, they immediately after *Resolved*, that a message be sent to the Lords to put them in mind of the impeachment of *High Treason*, exhibited against *Thomas Earl of Danby*, in the names of the Commons of *England*; and to desire that he may be committed to safe custody: *Resolving* again, that it be referred to the Committee of secrecy, to draw up farther articles against him. However, the letters produced against the Earl being written by the King’s particular command, and some private papers being necessary for his defence, which his Majesty would not suffer to be made public; he at last resolved to adhere to the benefit of his pardon, and hoping his absence might allay the storm, thought fit to withdraw.

A Committee of secrecy.

And

And that nothing might be wanting to prosecute the plot, the murder, and this nobleman, all countenance was given to the plot discoverers; and on the 21st of *March*, Dr. *Tongue* and Mr. *Oates* were called before the Commons, to give in their informations concerning the plot, &c. and the latter gave in an information, not only against *Thomas* Earl of *Danby*, but also against Sir *John* *Robinson*, Colonel *Edward* *Sackville*, and Captain *Henry* *Goreing*, all three members of the house of Commons: which raised a new flame in that place.

*Oates and
Bedloe's In-
formations.*

On the same day, *Bedloe* likewise delivered in his information; upon which the house *Resolved*, That an humble address be made to his Majesty, That the five hundred pounds reward, promised by his proclamation, for the discovery of the murder of Sir *Edmund-bury* *Godfrey*, may be forthwith paid to Mr. *Bedloe*, who this house is satisfied to be the first discoverer thereof: And that his Majesty would farther be pleased to order, that the twenty pounds reward, for the discovery of every priest, may be effectually paid to the discoverers of them.

At the same time, in another address, they desired his Majesty, That the care of Mr. *Bedloe's* safety may be immediately recommended to his Grace the Duke of *Monmouth*, which was carried up by the Lord *Cavendish*, Sir *Henry* *Capell*, Mr. *Booth*, Mr. *Powel*, Sir *Robert* *Carr*, Sir *John* *Ernly*, and Sir *William* *Portman*.

The King gave a present answer.

*The King's
Answer.*

‘ That he would take immediate care for the
‘ payment of the five hundred pounds, and the
‘ twenty pounds they desired: That he had hitherto
‘ taken all the care he could of Mr. *Bedloe*, and
‘ that he knew how considerable his evidence was,
‘ and that he would see hereafter, that he should
‘ want for nothing; and that he would be responsible
‘ for him, whilst he remained in *Whitehall*; but that
‘ he

‘ he could not be answerable for him when he went
‘ abroad.’

Besides these, there appeared one Mr. *Edmund Everard*, a *Scotch* gentleman, who had been four years prisoner in the tower, who making some old discoveries, was encouraged, as *Oates* before him, to put the whole into a formal narrative.

Upon the whole, they came to this unanimous grand *Resolve*, something like that in the last Parliament, *viz.* ‘ The house doth declare, that they
‘ are fully satisfied by the proofs they have heard,
‘ that there now is, and for divers years last past,
‘ hath been a horrid and treasonable plot and con-
‘ spiracy, contrived and carried on by those of the
‘ popish religion, for the murdering his Majesty’s
‘ sacred person, and for subverting the protestant
‘ religion, and the ancient and well established go-
‘ vernment of this kingdom.’ To this vote they desired the concurrence of the Lords, as they likewise did, to a particular address to his Majesty for appointing a solemn day of humiliation; ‘ being
‘ deeply sensible of the sad and calamitous condition
‘ of your Majesty’s kingdom, occasioned chiefly by
‘ impious and malicious conspiracies of a popish
‘ party, who have not only plotted and intended the
‘ destruction of your Majesty’s royal person, but
‘ the total subversion of the government, and true
‘ religion established among us.’

Afterwards they express themselves thus,

‘ That we may by fasting and prayer, and with
‘ humble and penitent hearts, seek reconciliation with
‘ Almighty God, and implore him by his power
‘ and goodness, *to infatuate and defeat the wicked
‘ counsels and imaginations of our enemies, and continue
‘ his mercies and the light of his gospel to us and our
‘ posterities; and particularly, to bestow his abundant
‘ blessings upon your sacred Majesty, and this present
‘ Parliament, &c.*’

Accordingly

A general
Fast pro-
claimed.

‘ Accordingly his Majesty commanded a general
‘ and public *Fast*, to be kept throughout the king-
‘ dom on the 11th of *April*, beginning his procla-
‘ mation for it, as he generally did upon such an
‘ occasion, with mentioning and alledging the *desire*
‘ of the *Lords and Commons in Parliament assembled*.’

During this heighth of zeal, the Commons, on
March 22d, ordered a bill to be brought in, to se-
cure the King and kingdom against the danger and
growth of popery. And being commanded, at the
same time, to attend his Majesty in the house of
Peers, the King spoke to them in favour of the Earl
of *Danby*: But returning to their house they pre-
sently *Resolved*,

A message
against Lord
Danby.

‘ That a message be immediately sent to the Lords,
‘ to remind their Lordships of the last message sent
‘ them from this house, relating to *Thomas Earl of*
‘ *Danby*; and to demand that he may be forth-
‘ with sequestred from Parliament, and committed
‘ to safe custody.’

Upon which extraordinary request, the Lords
desired a present conference: but the Commons re-
turned answer, ‘ That it was not agreeable to the
‘ usage and proceedings of Parliament, for either
‘ house to send for a conference, without expressing
‘ the subject matter of it.’

Upon a second message, wherein the Earl of
Danby was mentioned, they met the Lords in the
painted chamber, where the Duke of *Monmouth*
spoke as follows:

A Confe-
rence about
him.

‘ I am commanded by the Lords to acquaint you,
‘ that their Lordships having taken into their consi-
‘ deration matters relating to the Earl of *Danby*, to-
‘ gether with what his Majesty was pleased to say
‘ upon that subject; have ordered that a bill be
‘ brought in, by which *Thomas Earl of Danby*
‘ may be made for ever incapable of coming to his
Majesty’s

*‘ Majesty’s presence, and of all offices and employments,
 ‘ and of receiving any gifts or grants from the crown,
 ‘ and of sitting in the house of Peers.*

In the mean time, the Commons hearing that the King had signed a pardon for the Earl, they appointed a Committee to repair to the several offices, and particularly to the Lord Chancellor, to enquire into the manner of suing out that pardon.

Whereupon the Lord Chancellor informed the Committee, *‘ That the pardon was passed with the* An account of his pardon
*‘ utmost privacy, at the desire of the Earl, who gave
 ‘ this reason for it, That he did not intend to make use
 ‘ of it, but to stand upon his innocence, except false
 ‘ witnesses should be produced against him; and then
 ‘ he would make use of it at the last extremity. That
 ‘ he advised the Earl to let the pardon pass in the
 ‘ regular course; but after consulting with the King,
 ‘ his Majesty declared he was resolved to let it pass
 ‘ with all privacy: And suddenly after, the King
 ‘ commanded the Lord Chancellor to bring the seal
 ‘ from Whitehall, and being there, he laid it upon
 ‘ the table; thereupon his Majesty commanded the
 ‘ seal to be taken out of the bag, which his Lord-
 ‘ ship was obliged to submit unto, it not being in
 ‘ his power to hinder it; and the King wrote his
 ‘ name upon the top of the parchment, and then di-
 ‘ rected to have it sealed; whereupon the person
 ‘ that usually carried the purse, affixed the seal to it.’*
 The Chancellor added, *‘ That at the very time of af-
 ‘ fixing the seal to the parchment, he did not look upon
 ‘ himself to have the custody of the seal.*

Upon reading this report, the house fell into a violent heat and debate; and of those that spoke, we must not omit Mr. Powell's severe speech, who naming the Earl of Danby, proceeded thus:

Mr. Powell's
speech a-
gainst him.

‘ **T**HE person to whom we owe the dangers
‘ and fears of the *French* King against us: The
‘ person to whom we owe the threats and severe an-
‘ swers to those humble addressees we made the last
‘ session of Parliament: The person to whom we
‘ owe the ruin of this nation, and exhausting the
‘ King's revenue. The person to whom we owe the
‘ expence of two hundred thousand pounds a year
‘ unaccounted for. The person to whom we owe
‘ the raising of a standing army, to be kept up by
‘ the receipt of six millions of livres yearly, for
‘ three years, to enslave us and our religion. The
‘ person to whom we owe the late bone that was
‘ thrown in on the sitting of the last Parliament, to
‘ hinder the good issue that might have come by
‘ their proceedings; who is now laying down his
‘ staff, and making up his accounts in the treasury
‘ as he pleases, to enrich himself out of the spoils of
‘ the people, and so depart.’ At the conclusion of
the debate, resolved, *nem. con.* ‘ That a message
‘ be sent to the Lords to demand justice, in the name
‘ of the Commons of *England*, against *Thomas* Earl
‘ of *Danby*; and that he may be immediately se-
‘ questered from Parliament, and committed to safe
‘ custody. They likewise resolved, That an humble
‘ address be made to his Majesty, representing to his
‘ Majesty, the irregularity and illegality of the par-
‘ don, mentioned by his Majesty to be granted to the
‘ Earl of *Danby*, and the dangerous consequence of
‘ granting pardons, to any persons that lie under an
‘ impeachment of the Commons of *England*.

The house of Lords was likewise agitated with heats and apprehensions, which were fomented by the Earl of Shaftsbury, who on the 25th of March delivered his thoughts in an artful speech, much discoursed of at this time.

My Lords,

YOU are appointing of the consideration of the state of *England*, to be taken up in a Committee of the whole house, some day next week. I do not know how well what I have to say may be received, for I never study either to make my court well, or to be popular; I always speak what I am commanded by the dictates of the spirit within me.

The Earl of Shaftsbury's speech to the Lords.

There are some considerations abroad that concern *England* so nearly, that without them you will come far short of safety and quiet at home: *We have a little sister, and she hath no breasts, what shall we do for our sister in the day when she shall be spoken for? If she be a wall, we will build on her a palace of silver; if she be a door, we will inclose her with boards of cedar.* We have several little sisters without breasts, the *French* protestant churches, the two kingdoms of *Ireland* and *Scotland*; the foreign protestants are a wall; the only wall and defence to *England*; upon it you may build palaces of silver, glorious palaces. The protection of the protestants abroad, is the greatest power and security the crown of *England* can attain to, and which can only help us to give check to the growing greatness of *France*. *Scotland* and *Ireland* are two doors, either to let in good or mischief upon us; they are much weakened by the artifice of our cunning enemies, and we ought to inclose them with boards of cedar.

Popery and slavery, like two sisters, go hand in hand, and sometimes one goes first, sometimes the

other, but wheresoever the one enters the other is always following close at hand.

In *England*, popery was to have brought in slavery; in *Scotland*, slavery went before and popery was to follow.

I do not think your Lordships or the Parliament have jurisdiction there. It is a noble and ancient kingdom; they have an illustrious nobility, a gallant gentry, a learned clergy, and an understanding, worthy people: But yet we cannot think of *England* as we ought, without reflecting on the Condition they are in. They are under the same prince, and the influence of the same favourites and councils; when they are hardly dealt with, can we that are richer expect better usage? For 'tis certain that in all absolute governments, the poorest countries are always most favourably dealt with.

When the ancient nobility and gentry there cannot enjoy their royalties, their shrievaldoms, and their stewardries, which they and their ancestors have possessed for several hundreds of years; (but that now they are enjoined by the Lords of the council, to make deputations of their authorities to such as are their known enemies) can we expect to enjoy our *Magna Charta* long under the same persons and administration of affairs? If the council-table there can imprison any nobleman or gentleman for several years, without bringing him to trial, or giving the least reason for what they do; can we expect the same men will preserve the liberty of the subject here?

I will acknowledge, I am not well versed in the particular laws of *Scotland*; but this I do know, that all the northern countries have, by their laws, an undoubted and inviolable right to their liberties and properties; yet *Scotland* hath outdone all the eastern and southern countries, in having their lives, liberties, and estates subjected to the arbitrary will and pleasure of those that govern. They have lately

ly plundered and harassed the richest and wealthiest countries of that kingdom, and brought down the barbarous *Highlanders* to devour them; and all this without almost a colourable pretence to do it: Nor can there be found a reason of state for what they have done; but that those wicked ministers designed to procure a rebellion at any rate, which, as they managed, was only prevented by the miraculous hand of God, or otherwise all the papists in *England* would have been armed, and the fairest opportunity given, in the just time for the execution of that wicked and bloody design the papists had; and it is not possible for any man that duly considers it to think other, but that those ministers that acted that were as guilty of the plot, as any of the Lords that are in question for it.

My Lords, I am forced to speak this the plainer, because till the pressure be fully and clearly taken off from *Scotland*, 'tis not possible for me, or any thinking man to believe, that good is meant to us here.

We must still be upon our guard, apprehending that the principle is not changed at court; and that these men are still in place and authority, who have that influence upon the mind of our excellent prince, that he is not, nor cannot be that to us, that his own nature and goodness would incline him to.

I know your Lordships can order nothing in this, but there are those that hear me can put a perfect cure to it; until that be done, the *Scotish* weed is like death in the pot, *mors in olla*: But there is something too, now I consider, that most immediately concerns us; their act of twenty two thousand men to be ready to invade us upon all occasions. This, I hear, that the Lords of the council there have treated as they do all other laws, and expounded it into a standing army of six thousand men. I am sure we have reason and right to beseech the King, that, that act may be better considered in the next Parlia-

ment there. I shall say no more for *Scotland*, at this time, I am afraid your Lordships will think I have said too much, having no concern there: But if a *French* Nobleman should come to dwell in my house and family, I should think it concerned me to ask what he did in *France*? for if he were there a felon, a rogue, a plunderer, I should desire him to live elsewhere; and I hope your Lordships will do the same thing for the nation, if you find the same cause.

My Lords, give me leave to speak two or three words concerning our other sister *Ireland*: Thither, I hear, is sent *Douglas's* regiment, to secure us against the *French*. Besides, I am credibly informed, that the papists have their arms restored, and the protestants are not many of them yet recovered from being the suspected party; the sea towns as well as the inland are full of papists: That kingdom cannot long continue in the *English* hands, if some better care be not taken of it. This is in your power, and there is nothing there, but is under your laws; therefore I beg that this kingdom at least may be taken into consideration, together with the state of *England*: For I am sure there can be no safety here, if these doors be not shut up and made sure.

The Com.
mons resolve
to attaint
the Earl of
Danby.

On the same day the Lords sent a message to acquaint the house of Commons, ‘ That they had
‘ sent to apprehend *Thomas* Earl of *Danby* both
‘ to his house here in town, and to his house at
‘ *Wimbleton*; and that the Gentleman Usher of the
‘ Black Rod had returned their Lordships answer,
‘ *that he could not be found?*’ Whereupon the Com-
mons, resolving not to be defeated, ordered, ‘ That a
‘ bill be brought in to summon *Thomas* Earl of
‘ *Danby*, to render himself to justice by a certain
‘ day, to be therein limited; or in default there-
‘ of, to attaint him.’ Then to render him more
obnoxious, *Bedloe* came before the house, and made
a great

a great complaint of the harsh usage and discouragements he had met with from the Earl, when Treasurer; setting forth upon oath, ‘ That going
 ‘ to him for some money, by virtue of an order
 ‘ from the council, his Lordship took him into his
 ‘ closet, and asked him, whether the Duke of
 ‘ *Buckingham*, or Lord *Shaftsbury*, or any of the
 ‘ Members of the House of Commons, had desired him to say any thing against him, and to tell him
 ‘ who they were, and he would well reward him;
 ‘ and to know if he would desist from giving evidence against the——and the Lords in the *Tower*, &c. To which *Bedloe* answered, that he had
 ‘ once been an ill man, but desired to be so no more.
 ‘ To which the Earl replied, you may have a
 ‘ great sum of money, and live in another country,
 ‘ as *Geneva*, *Sweden*, or *New England*; and should
 ‘ have what money he would ask to maintain him
 ‘ there. But *Bedloe* refusing all such temptations, his
 ‘ Lordship began to threaten him, saying, *There was*
 ‘ *a boat and a yatch ready to carry him far enough for*
 ‘ *telling of tales*: And after this, the guards were
 ‘ as spies upon him, and he very ill used, till by
 ‘ their address to the King the same was remedied,
 ‘ and better care was taken.’ And at the same
 time appeared *Oates* in the house, who declared,
 ‘ That being one day in the Privy Garden, the
 ‘ Earl of *Danby*, passing by, reflected upon him,
 ‘ and said, *There goes one of the saviours of England,*
 ‘ *but I hope to see him hanged within a month.*’ And
 likewise, at the same time, *Oates* gave his testimony against Colonel *Sackville*, a Member of the house formerly mentioned, declaring that he said,
That they were sons of whores, who said there was a plot, and that he was a lying rogue that said it.
 Whereupon the Colonel was immediately sent to the *Tower*, and ordered to be expelled the house, with a petition to the King to be made incapable of bearing any office. But in a short time, upon his

submission, he was discharged from his imprisonment, but not restored to his seat in the house.

A conference about the Earl of Danby.

On the 4th of *April*, there was a conference between the two houses, in the painted chamber concerning the bill sent up against the Earl of *Danby*; where the Earl of *Anglesey*, Lord Privy-seal, delivered himself to this effect, being the chief manager for the Peers;

THAT the Lords chose to deliver back this bill by *conference*, rather than *message*, to preserve a good understanding, and prevent debate and controversy between them. The Lords observe, that the greatest affairs of this nation are at a stand, at a time of the greatest danger and difficulty, that this kingdom ever laboured under: That the King hath always in his reign inclined to mercy and clemency to all his subjects: Therefore to a King so merciful and compassionate, the first interruption of his clemency they did desire should not proceed from the two houses pressing the King to an act of the greatest severity; therefore they have passed the bill with some amendments, which he delivered to them.

The Commons were no way satisfied with the Lords proceedings, therefore drew up reasons against them, to be offered in another conference, which were as following:

The addition of the *title* does shew, that the amendments made by your Lordships to the bill do wholly alter the nature of it, and from a *bill of attainder* have converted it to a *bill of banishment*, which the Commons cannot consent to for these reasons:

1st, That banishment is not the legal judgment in cases of high-treason; and the Earl of *Danby* being impeached by the Commons of high-treason,
and

and fled from justice, hath hereby confessed the charge, and therefore ought to have the judgment of high-treason for the punishment.

2d, That banishment being not the punishment the law inflicts upon those crimes, the Earl of *Danby* might make use of this remission of his sentence as an argument, *That either the Commons were distrustful of their proofs against him, or else that the crimes are not in themselves of so high a nature as treason.*

3d, That the example of this would be an encouragement to all persons that should hereafter be impeached by the Commons, to withdraw themselves from justice, which they would be always ready to do, if not prevented by a commitment upon their impeachment; and therefore hope to obtain a more favourable sentence in a legislative way, than your Lordships would be obliged to pass upon them in your judicial capacity?

Upon the reading of this paper, they immediately resolved, that an address be presented to his Majesty, that he would issue out his royal proclamation for apprehending of *Thomas* Earl of *Danby*.

On the same day, *April* 8th, they had a second conference with the Lords upon the same case, where the Earl of *Huntington* managed for the house of Peers, and what he delivered was to this effect: A second conference.

THE Lords have desired this conference with the Commons, not so much to argue and dispute, as to mitigate and reconcile: They have already observed, *That the debates of this bill have given too long, and too great an obstruction to publick business;* and therefore they desire you to believe, that *that* is the reason which hath chiefly prevailed with their Lordships in a matter of this nature. And upon this ground it is, that if a way may be found to satisfy and secure the publick fears, by

doing less than the bill you have proposed, the Lords do not think it adviseable to insist upon the utmost and most rigorous satisfaction to publick justice, which might be demanded. To induce you to this compliance, the Lords do acknowledge, that banishment is so far from being the legal judgment in case of high-treason, that it is not the legal judgment in any case whatsoever, since it can never be inflicted but by the legislative authority: But they see no reason why the legislative authority should always be bound to act to the utmost extent of its power; for there may be a prudential necessity sometimes of making abatements, and it might be of fatal consequence, if it should not be so. And the Lords, to remove all jealousies of the precedents of this kind, do declare, that nothing which hath been done in the Earl of *Danby's* case, shall ever be drawn into example for the time to come, and will so enter it upon their journal. And thereupon their Lordships insist upon their amendments so far, as to exclude all attainders; and do promise themselves, the Commons will in this point comply with their Lordships, who do again assure them, *That their resolutions are grounded only upon their tenderness, and the consideration of the publick.*

A third and
free conference.

This being not satisfactory, a third and free conference was held two days after, in which the Lord Privy-Seal said:

THAT the house of Commons might see by the present quick *free conference*, which the Lords desired, that their Lordships did shew their willingness, by using all means possible, to reconcile both houses, and to come to such an understanding, as to pass the bill with all expedition. He owned the cogency of the Commons reasons, and therefore the Lords were content to make the bill absolute, without giving the Lord *Danby* any day to appear,
and

and the penalties to continue. He observed, that, by the passing of this bill, he would not only be ruined, together with his family, but likewise those acquisitions which he got by the marriage into a noble family, would be lost. And if the house of Commons would have any other penalties added to the bill, their Lordships would leave it to them, provided *they run not to the absolute destruction of the Lord impeached.* ‘He took notice,’ That altho’ reason and justice were of the Commons side, yet in a legislative capacity, they were to consider circumstances with relation to the good of the publick. ‘Then by way of encouragement to the Commons, ‘he told them,’ That in this affair they had gained two great points; the first was, *That impeachments made by the Commons in one Parliament, continue from session to session, and Parliament to Parliament, notwithstanding prorogations or dissolutions:* The other point was, *That in cases of impeachment upon special matter shewn, if the modesty of the party impeached directs him not to withdraw, the Lords admit that of right they order him to withdraw, and that afterwards he must be committed.* But without special matter alleged, he said, he did not know how many of their Lordships might be picked out of the house of a sudden.

The Earl of *Shaftsbury*, now in a way of preferment in court, declared:

THEY were as willing to be rid of the Earl of *Danby*, as the Commons; ‘but he let them ‘know,’ That the expression which was sent with reasons from the Lords the other day, namely, *That the Lords would not draw into example the proceedings of the Earl of Danby, but would vacate them,* they intended that to extend only to the points of *not withdrawing and not committing.* ‘He likewise declared,’ That the way now proposed would be

be a means to have the bill pass; for the Commons might have other penalties if they would, as confiscation of estate, loss of honours, &c. Therefore he desired the Commons to consider, that there were weighty reasons, which were better understood than expressed, that proved it necessary for the good of the publick, that this bill should speedily pass.

The Commons replied, ‘ that they hoped their
 ‘ Lordships did not think, they took it as if they
 ‘ had now gained any point; for the points, which
 ‘ their Lordships mentioned as gained, were no-
 ‘ thing but what was agreeable to the ancient course
 ‘ and methods of Parliament.’

The Attain-
 der bill
 passes a-
 gainst him.

And thus they so immoveably adhered to their own bill of attainder, that within two or three days time the Lords thought fit to give way to the heat of the season, and passed the bill, in which the 21st of *April* was appointed for the Earl’s surrendering himself to trial.

The Earl
 surrenders
 himself.

The Earl finding himself reduced to this extremity, rather than risque the mischiefs that might happen to himself, or to the King, if he should refuse to pass the bill, on the 15th of *April* surrendered himself to the Usher of the black-rod.

The next day, being brought to the bar of the house of Peers, the Lord Chancellor let him know that he stood impeached by the house of Commons; and that upon his withdrawing himself, a bill of attainder had passed the two houses; by which, however, he had time given him to come in, and make his defence. The Earl handsomly excused his not appearing sooner, and declared his innocency with several protestations, and then was ordered to withdraw. Being called in, and brought to the bar a second time, the Lord Chancellor acquainted him,
 ‘ That their Lordships would allow him time to
 ‘ give in his Answer to the articles of his impeach-
 ‘ ment, till the first day of the sitting of the house
 ‘ after *Easter*; that if any farther charge were put
 ‘ in

‘ in against him, he should have farther time to
 ‘ answer, that he should have counsel assigned him,
 ‘ and liberty to make use of records, and that his
 ‘ witnesses should be summoned.’ Upon which he ^{He is sent to}
 withdrew, and by order of the house he was im- ^{the Tower.}
 mediately committed to the tower.

In the mean time, the Earl of *Danby*, finding ^{And pleads}
 the fury of the Commons, appeared at the bar of ^{the King's}
 the house of Peers, and there pleaded and produced ^{pardon.}
 the King's most gracious pardon for all crimes and
 offences whatsoever, committed before the 28th day
 of *February* last. At which the Commons were not
 a little disobliged; and upon *April 28th*, the *Com-*
mittee of secrecy, which were appointed to examine
 and peruse the nature of the Earl's plea, made this
 report:

1. We find no precedent that ever any pardon
 was granted, to any person impeached by the Com-
 mons for *High-Treason*, or other high crimes de-
 pending in the impeachment.

2. As to the manner of passing the Earl of
Danby's Pardon, it hath been formerly reported to
 the house, and the Committee refer themselves to
 that report.

3. That by what means it was obtained, the
 time allowed the Committee hath been so short, that
 we cannot as yet discover the advisers or promoters
 thereof, any farther than what is mentioned in the
 said report relating to the Lord Chancellor.

Whereupon the house *Resolved*, ‘ That a message
 ‘ be sent to the Lords, to desire their Lordships to
 ‘ demand of the Earl of *Danby*, *Whether he will*
 ‘ *rely upon, and abide by the Plea of his pardon.*’

Accordingly the next day, the Earl was again
 brought to the bar of the Lords house, where
 kneeling, and then standing up, the Lord Chancellor
 acquainted him, that the Commons had returned to
 their Lordships the plea delivered by him, at the
 bar of their house on the 25th instant, with a desire
 that

that their Lordships should ask him, *whether he will rely upon, and abide by said plea.*

The Earl praying time to answer, their Lordships allowed him four days, till *Saturday* next, and then he was sent back to the *Tower*.

On the same day, the King returned this answer to the Commons address for the execution of *Pickering* and other priests;

Gentlemen,

‘ I Have always been tender in matters of blood,
 ‘ which my subjects have no reason to take ex-
 ‘ ception at: But this is a matter of great weight,
 ‘ I shall therefore consider of it, and return you an
 ‘ Answer.’

Several things being prepared by the new Privy-Council, (which the King had lately established, in compliance with the temper of the times,) in order to ease the minds of the people, now variously agitated,

His Majesty came to the house of Peers on the 30th of April, and sending for the commons, made this short Speech to both houses.

My Lords and Gentlemen,

The King's
 second
 Speech to
 both houses.

‘ THE Season of the year advancing so fast,
 ‘ I thought it necessary to put you in mind of
 ‘ three particulars.

- ‘ 1. The prosecution of the plot.
- ‘ 2. The disbanding of the army.
- ‘ 3. The providing a fleet for our common
 ‘ security.

‘ And to shew you, that whilst you are doing
 ‘ your parts, my thoughts have not been misem-
 ‘ ployed; but that it is my constant care to do every
 ‘ thing that may preserve your religion, and secure
 ‘ it

‘ it for the future in all events, I have commanded my
 ‘ Lord Chancellor to mention several particulars;
 ‘ which I hope will be an evidence, that in all things
 ‘ that concern the publick security, I shall not fol-
 ‘ low your zeal, but lead it.

*Accordingly the Lord Chancellor made this following
 speech, which ought to be inserted without any A-
 bridgment:*

*My Lords, and you the knights, citizens and burgesse
 of the house of Commons,*

THAT royal care which his Majesty hath taken The Lord
Chancellor's
second
speech, for the general quiet and satisfaction of all his
 subjects, is now more evident by these new and fresh
 instances of it, which I have in command to open
 to you. His Majesty hath considered with himself,
 that 'tis not enough that your religion and liberty is
 secure during his own reign, but he thinks he owes it
 to his people to do all that in him lies, that these
 blessings may be transmitted to your posterity, and
 so well secured to them, that no succession in after
 ages may be able to work the least alteration. And
 therefore his Majesty, who hath often said in this
 place, *That he is ready to consent to any laws of this
 kind, so that the same extend not to alter the descent of
 the crown in the right line, nor to defeat the succes-
 sion,* hath now commanded this to be farther
 explained.

And to the end it may never be in the power of
 any papist, if the crown descend upon him, to make
 any change either in church or state; I am com-
 manded to tell you, that his Majesty is willing that
 provision may be made, first to distinguish a papist
 from a protestant successor; then to limit and cir-
 cumscribe the authority of a popish successor, in
 these cases following, that he may be disabled to do
 any harm: First in reference to the church; his Ma-
 jesty

jesty is content that care be taken, that all ecclesiastical and spiritual benefices and promotions in gift of the crown, may be conferred in such a manner, that we may be sure the incumbents shall be always of the most pious and learned protestants: And that no popish successor, while he continues so, may have any power to controll such presentments. In reference to the state, and civil part of the government; as it is already provided, *That no papist can sit in either house of Parliament*; so the King is pleased that it be provided too, that there may never want a Parliament, when the King shall happen to die, but that the Parliament then in being may continue indissoluble for a competent time; or if there be no Parliament in being, then the last Parliament which was in being before that time, may reassemble, and sit a competent time, without any new summons, or elections. And as no papist can by law hold any place of trust, so the King is content that it may be farther provided, that no Lords or others of the privy-council, no judges of the common law, or in *Chancery*, shall at any time, during the reign of a popish successor, be put in, or displaced, but by the authority of Parliament: And that care be taken, that none but sincere protestants may be justices of the peace. In reference to the military part, the King is willing that no Lord lieutenant, or deputy lieutenant, nor no officer in the navy, during the reign of any popish successor, be put out or removed, but either by the authority of Parliament, or of such persons as the Parliament shall intrust with such authority.

It is hard to invent another restraint to be put upon a popish successor, considering how much the revenue of the successor will depend upon consent of Parliament, and how impossible it is to raise money without such consent. But yet, if any thing else can occur to the wisdom of the Parliament, which may farther secure religion and liberty against a popish successor, without defeating the right of succession

‘ *England*, against *Thomas* Earl of *Danby*, who stands
 ‘ impeached by them before your Lordships of
 ‘ high-treason, and divers high crimes and mis-
 ‘ demeanors ; to which he has pleaded a pardon ;
 ‘ which pardon the Commons conceive to be illegal
 ‘ and void ; and therefore they do demand judgment
 ‘ of your Lordships accordingly.

*Shortly after they fell upon another great man, more
 justly obnoxious, the Duke of Lauderdale, against
 whom they drew up this following address:*

Their ad-
 dress against
 the Duke of
Lauderdale.

WE your Majesty's most loyal and dutiful
 subjects, the Commons in Parliament as-
 sembled, finding your Majesty's kingdoms involved
 in imminent dangers, and great difficulties, by the
 evil designs and pernicious counsels, of some who
 have been, and are in high place, and trust and au-
 thority about your royal person ; who contrary to
 the duty of their places, by their arbitrary and de-
 structive counsels, tending to the subversion of the
 rights, liberties, and properties of your subjects, and
 the alteration of the protestant religion established,
 have endeavoured to alienate the hearts of your loyal
 subjects, from your Majesty and your government.
 Amongst whom we have just reason to accuse *John*
Duke of Lauderdale, for a chief promoter of such
 counsels ; and more particularly for contriving and
 endeavouring to raise jealousies and misunderstand-
 ings between your Majesty's kingdoms of *England*
 and *Scotland* ; whereby hostilities might have ensued,
 and may arise, between both nations, if not prevent-
 ed. Wherefore, we your Majesty's loyal subjects,
 could not but be sensibly affected with trouble, to
 find such a person (notwithstanding the repeated ad-
 dresses of the last Parliament) continued in your
 counsels at this time, when the affairs of your king-
 dom require none to be put into such employments,
 but such as are of known abilities, interest and
 esteem,

esteem, in the nation, without all suspicion of either mistaking or betraying the true interest of the kingdom, and consequently of advising your Majesty ill. We do therefore most humbly beseech your most sacred Majesty, for taking away the great jealousies, dissatisfactions, and fears amongst your good subjects, that your Majesty will graciously be pleased, to remove the Duke of *Lauderdale* from your Majesty's councils, in your kingdoms of *England* and *Scotland*, and from all offices, employments, and places of trust, and from your Majesty's presence for ever.

This address was carried in a full body, but the King only made this cold reply, *That he would consider of it, and return an answer.*

In the mean time his Majesty sent a message to the Commons, by Lord *Russel*, one of his new Privy-Council, who acquainted the house, That his Majesty commanded him to let the house know, that his Majesty is willing to comply with the request made to him by the house, concerning *Pickering*, and that the law shall pass upon him accordingly. As to the condemned Priests, the house of Peers have sent for them, in order, as his Majesty conceives, to some examinations. And farther to acquaint you, that he repeateth his instances to you, to think of putting the fleet in such a posture, as may quiet mens fears, and at least secure us from any sudden attempt; which his Majesty doubts not but you will do. And tho' the streights and difficulties he lyeth under are very great, he doth not intend, during this session, to press for any farther supply; being willing rather to suffer the burdens that are upon him some time longer, than to interrupt you, whilst you are employed about the *discovery of the plot*, the *trial of the Lords*, and the bill for *securing of our religion*.

The King's
message to
them.

A money-
bill passed.

In one matter of moment the King and both houses agreed, The necessity of a tax: And therefore on the 9th of *May* the money-bill being prepared, the King came to the house of Peers, and sending for the Commons, passed an act, *For granting a supply to his Majesty of two hundred and six thousand four hundred sixty two pounds, seventeen shillings and three pence, for paying off and disbanding the forces raised since the nine and twentieth of September, one thousand six hundred seventy seven.* In which act there was a particular clause to continue to futurity, enacting, That soldiers shall not be quartered in any person's house, against their consent: This was the last, and one of the least money-bills in his reign; about the preparing of which, something, for the reader's curiosity, is here transcribed *verbatim*, from the journals of the house of Commons:

Die Jovis, 8 Maij.

How pre-
pared.

The house then took into consideration the amendments made by the Lords, to the bill for *granting a supply to his Majesty of 206,462 l. 17 s. 3 d. for paying off and disbanding the forces raised since the 29th of September, 1677.* And the first, second, third, fourth and fifth amendments, being twice read, were upon the question severally agreed: The sixth and seventh amendment (for leaving out *John Lord Ross*, son and heir apparent to the Earl of *Rutland*) being read a second time, and the Lord *Ross* having been called up to the house of Peers, since the bill was sent up to the house of Lords: *Resolved*, That the house doth agree with the Lords in said amendments. The rest of the amendments, to the hundredth and second skin, sixth line, being twice read, were upon the question severally agreed. The amendment in the hundredth and second skin, sixth line, being read a second time, and the question being put for agreeing with the Lords in that amendment,

amendment, it passed in the negative. The rest of the amendments to the end of the bill, being twice read, were upon the question severally agreed. The two clauses to be added at the end of the bill, being twice read, and the question being severally put, to agree with the Lords in the said clauses, it passed in the negative.

Ordered, That a Committee be appointed to draw up reasons, to be delivered at a conference to be had with the Lords, why the house have disagreed with their Lordships, in SEVERAL of their amendments, to the bill for *paying off and disbanding the army*.

About the time of passing the money-bill, this message was sent by two Judges from the Lords:

Mr. Speaker,

‘ We are commanded by the Lords to acquaint
 ‘ this house with an order yesterday made concern-
 ‘ ing the Earl of *Danby*, viz. Whereas the Earl of
 ‘ *Danby* hath adhered to the plea of his pardon, and
 ‘ prayed to be heard by his counsel, to make good
 ‘ the validity of his pardon: And whereas the Com-
 ‘ mons have by their Speaker, in proper person,
 ‘ demanded judgment against the said Earl, as con-
 ‘ ceiving his pardon to be illegal and void, *It is or-*
 ‘ *dered by the Lords spiritual and temporal, in Parlia-*
 ‘ *ment assembled, that Saturday the tenth instant, be*
 ‘ *appointed for hearing the Earl of Danby to make*
 ‘ *good his plea.* And farther to acquaint you, that
 ‘ the Lords spiritual and temporal have yesterday
 ‘ resolved, *That the five Lords in the tower, Wil-*
 ‘ *liam Earl of Powis, William Viscount Stafford,*
 ‘ *William Lord Petre, Henry Lord Arundel of*
 ‘ *Wardor, and John Lord Bellasis, shall be brought*
 ‘ *to their trials, upon Wednesday the fourteenth of*
 ‘ *this month.*’

A message
from the
Lords.

The part concerning the Earl of *Danby* so heated the house, that they resolved, ‘ That no Commoner

The Com-
mons re-
solve.

‘ whatsoever, shall presume to maintain the validity
 ‘ of the pardon pleaded by the Earl of *Danby*, with-
 ‘ out the consent of the house first had, and that the
 ‘ persons so doing shall be accounted betrayers of
 ‘ the liberties of the Commons of *England*.’ Which
 vote they ordered to be posted up at *Westminster-hall*
 gate, and at the several gates of the *Sergeants Inns*,
 and the *Inns of Court*.

This heightened the differences that were already
 begun, about the manner and method of proceed-
 ing upon the impeachments depending: The Lords
 had addressed to the King for a Lord High-Steward
 to preside in the trials; but the Commons thought
 it unnecessary, or too great an obstruction to bu-
 siness, therefore they proposed, ‘ That a Committee
 ‘ of both houses might be nominated, to consider of
 ‘ the most proper ways and methods of proceeding
 ‘ upon impeachments.’ The Lords refused to agree,
 and in a conference assigned this reason, ‘ That
 ‘ they did not find it conformable to the rules and
 ‘ orders of proceedings of this court, *which is, and*
 ‘ *ever must be tender, in matters relating to their ju-*
 ‘ *dicature.*’ Upon which the Commons, *May 9th*,
 voted, ‘ That the answer delivered by the Lords at
 ‘ the last conference, tends to the interruption of the
 ‘ good correspondency between the two houses.’
 And desiring a conference with the Lords the next
 day, they in conclusion delivered this resolution,
That things standing thus, they cannot proceed in the
trials of the Lords, before the methods of proceeding be
adjusted between the two houses. Upon which their
 Lordships, upon consideration, did consent to have
 a Committee of both houses, to consider of pro-
 positions and circumstances relating to the trial of
 the Lords in the tower. But in another conference,
 the same day, the Lord Privy-Seal acquainted them,
 ‘ That the Lords had received a petition from the
 ‘ Earl of *Danby*, who was ordered to attend their
 ‘ Lordships this day, which their Lordships read;
 whereby

whereby the Earl of *Danby* set forth, ‘ That he met
 ‘ with informations severally from his council, that
 ‘ he durst not appear to argue the validity of his
 ‘ pardon, by reason of the vote of the house of
 ‘ Commons; and that their Lordships desired to
 ‘ know, whether there was any such vote as was al-
 ‘ ledged in the petition.

This only increased the ferment in the lower house; and this indeed proved a hot day; in which to testify their fears and apprehensions, and to make way for the intended trials, they resolved upon an address to the King, taking notice of the multitude of *jesuits*, popish priests, and other popish recusants, who constantly resorted to the cities of *London* and *Westminster*, and obstinately continued there, in contempt of his Majesty’s laws and royal proclamation; wherefore they humbly beseech his Majesty, that the militia of *London*, *Westminster*, *Southwark*, the *Tower-Hamlets*, and the counties of *Middlesex* and *Surrey*, may immediately be raised, and put in a posture of defence. Then to obviate these great difficulties and dangers, they resolved to sit the next day, tho’ a *Sunday*, as they had done a fortnight before; on which day they brought their former grand *resolve* to maturity, and ordered a bill to be brought in, *To disable the Duke of York to inherit the imperial crown of this realm*; and referred it to the drawing up of Mr. Bennet, Mr. Trenchard, Sir Nicholas Carew, Sir Robert Peyton, Sir Thomas Player, Mr. Vaughan, Sir Francis Winnington, Mr. Boscawen, Mr. Williams, Mr. Hamden, Colonel Birch, Mr. Sacheverel, and Mr. Swinsen. And immediately after, they resolved, *nemine contradicente*,

‘ That in defence of the King’s person, and the
 ‘ protestant religion, this house doth declare, that they
 ‘ will stand by his Majesty with their lives and for-
 ‘ tunes; and that if his Majesty should come by
 ‘ any violent death (which God forbid) they will
 ‘ revenge it to the utmost on the *papists*.

The heat
 and resolves
 of the Com-
 mons.

This was soon after put into the form of an address, which being presented to his Majesty, he returned this answer.

‘ GENTLEMEN I thank you for your
 ‘ zeal for the preservation of the protestant
 ‘ religion, and of my person; and I assure you, I
 ‘ shall do what in me lies, to secure the protestant
 ‘ religion; and am willing to do all such things,
 ‘ as may tend to the good and benefit of my sub-
 ‘ jects.

In the mean time on *Wednesday* the 4th of *May*, the King sent this following message to the house of Commons, by Mr. *Powle*, one of his new Privy-Council.

C. R.

The King's
 message to
 them.

THOUGH his Majesty hath already, at the first meeting in Parliament, and since by a word or two, mentioned the necessity of having a fleet at sea this summer; yet the season for preparing it being far advanced, and our neighbours before us in their preparations, he cannot hold himself discharged towards his people, if he do not now with more earnestness, again recommend the same to your present care and consideration; and the rather, from the daily expectation of the return of the fleet from the *Streights*, to which a great arrear is due; and hereby he must acquit himself of the evil consequences, which the want of a fleet in such a juncture may produce: And he hath not done this without considering, *That the entering upon the work presently can be no hindrance to the other great affairs upon your hands; but rather a security, in the dispatch thereof.*

This message, tho' reasonable and proper, and proceeding from an unexceptionable council, was

no farther regarded, than after a debate, it was resolved, that the farther consideration of the said message be adjourned till *Monday* next come seven-night.

Both houses having agreed to a joint committee for settling the way and method of trying the impeached Lords, after some meetings a report was made to the house of Commons by Sir *John Trevor*, to this effect:

‘ That the Commons had made two propositions to the committee of the Lords; first they desired to see the commission of the Lord High-Steward, and those to former Lords: secondly, they desired to know what resolutions had been taken, about the Lords Spiritual being present or absent at the trial of the Lords impeached; for the first, the Lords committee produced several copies of the commissions to the Lords High-Stewards, and particularly that for the trial of the Earl of *Danby*, and for the five Lords in the *Tower*.’ But withal they communicated a resolution of the Lords house, of the 12th of *May*, in these words,

‘ It is declared and ordered, by the Lords Spiritual and Temporal, that the office of a High Steward, upon trials of Peers upon impeachments, is not necessary to the house of Peers, but that the Lords may proceed upon such trials, if a High Steward be not appointed according to their humble desire.’ Their Lordships farther declared to the committee, ‘ That a Lord High Steward was made *pro hac vice* only: That notwithstanding making a High Steward, the court remained the same, and was not thereby altered, but still remained the *court of Peers* in Parliament: that the Lord High Steward was but as a Speaker or Chair-man, for the more orderly proceed-

Proceedings
about the
impeached
Lords.

ings at the trials. Notwithstanding which, they had petitioned and obtained a Lord High Steward for the ensuing trials; as to the second proposition the resolution of the house of Peers was in these words.

Resolved by the Lords Spiritual and Temporal, that the Lords Spiritual have a right to stay in court in capital cases, till such time as judgment of death comes to be pronounced.

The next day the Lords explained themselves, and declared the meaning of their resolution to be, That the Lords Spiritual have a right to stay and sit in court, till the court proceed to vote *guilty or not guilty*.

The second proposition being a matter of great weight and consideration, the committee of the Commons had commanded him to report it to the house, in order to receive their directions for their farther proceedings.

Two days after Sir *John Trevor* made another report from the committee of both houses, that the Lords had communicated to the committee certain proceedings of the house of Lords, in these words,

Resolved by the Lords Spiritual and Temporal, that *Thursday* the 22^d Instant be appointed to begin the trials of the five Lords in the *Tower*. the Earl of *Powis*, Lord Viscount *Stafford*, Lord *Petre*, Lord *Arundel* of *Wardor*, and Lord *Bellasis*: after which resolution passed, the Lords spiritual asked the leave of the house, that they might withdraw themselves from the trials of the said Lords, with the liberty of entering their usual protestations. And that the Commons committee did desire the directions of the house, how they should proceed thereon. Upon hearing the report, the house of Commons, after a warm debate, *resolved*, that it be given as an instruction to the said committee to insist, *That the Lords Spiritual*

al ought not to have any vote in any proceedings against the Lords in the Tower: and when that matter shall be settled, and the methods of proceeding adjusted, this house shall then be ready to proceed upon the trial of the pardon of Lord Danby, against whom this house hath already demanded judgment; and afterwards to the trials of the other five Lords in the Tower.

On the 15th of *May*, the Commons perfected their grand bill to disable the Duke of *York* from inheriting the imperial Crown of *England*; now obtaining the name of the *exclusion bill*; and was read the first time, without any great opposition. It set forth, after the particulars of the execrable conspiracy,

‘ That the emissaries, priests and agents for the
 ‘ *Pope*, had traiterously seduced *James Duke of*
 ‘ *York*, presumptive heir to these crowns, to the
 ‘ communion of the church of *Rome*; and had in-
 ‘ duced him to enter into several negotiations with
 ‘ the *Pope*, his Cardinals and Nuncios, for promot-
 ‘ ing the *Romish* church and interest; and by his
 ‘ means and procurement, had advanced the power
 ‘ and greatness of the *French King*, to the manifest
 ‘ hazard of these kingdoms. That by descent of
 ‘ these crowns upon a *papist*, and by foreign alliances
 ‘ and assistance, they might be able to succeed in
 ‘ their wicked and villainous designs.’

The sub-
 stance of the
 EXCLUSION
 BILL.

Then after another preamble, they enacted to this effect;

1. ‘ That the said *James Duke of York, Albany,*
 ‘ and *Ulster*, should be incapable of inheriting the
 ‘ crowns of *England, Scotland and Ireland*, with
 ‘ their dependencies; and of enjoying any of the
 ‘ titles, rights, prerogatives and revenues belonging
 ‘ to the said crowns.

2. ‘ That in case his Majesty should happen to
 ‘ die, or resign his dominions, they should devolve
 ‘ to

‘ to the person next in succession, in the same manner as if the Duke was dead.

‘ 3. That all acts of sovereignty and royalty that Prince might then happen to perform, were not only declared void, but to be *High-Treason*, and punishable as such.

‘ 4. That if any one, at any time whatsoever, should endeavour to bring the said Duke into any of the fore-mentioned dominions, or correspond with him in order to make him inherit, he should be guilty of *High-Treason*.

‘ 5. That if the Duke himself ever returned into any of these dominions, considering the mischiefs that must ensue, he should be looked upon as guilty of the same offence; and all persons were authorized and required, to seize upon and imprison him; and in case of resistance made by him or his adherents, to subdue them by force of arms.’

This bill of banishment, as well as exclusion, was five days after read a second time in the house.

Upon which the question being put, whether the bill should be committed, the house divided, and the *Yea's* ordered to go forth, which were two hundred and seven, and the *No's* who staid were but a hundred and twenty eight, the majority seventy nine; and so the bill was committed to a Committee of the whole house; but the Parliament being soon after prorogued, it never proceeded farther.

And was dissolved on the 10th of *July* following.

An answer to a LETTER written by a member of Parliament in the Country, upon the occasion of reading the Gazette of the 11th of December, 1679; wherein the Proclamation for farther proroguing the Parliament, till the 11th of November next ensuing.

S I R,

I Received your Letter, when I was engaged in much other business, which will excuse me that I have not returned an answer sooner, and that it is done no better now: You desire me to let you know what that judgment is, which my Lord Chancellor acquainted my Lord Mayor and his brethren with, and what my thoughts are upon it: And that I may obey you in both, I will first transcribe that case, as it is reported by Justice *Crook*, that being already put into *English*, whereas the case in *Moor* is in *French*.

Memorandum, That by command from the King, all the Justices of *England*, with divers of the nobility, viz. The Lord *Ellesmere* Lord Chancellor, the Earl of *Dorset* Lord Treasurer, Viscount *Cranbourn* Principal secretary, the Earl of *Nottingham* Lord Admiral, the Earls of *Northumberland*, *Worcester*, *Devon*, and *Northampton*, the Lords *Zouch*, *Burghly*, and *Knowles*, the Chancellor of the *Dutchy*, the Archbishop of *Canterbury*, the Bishop of *London*, *Popham* Chief Justice, *Bruce* Master of the *Rolls*, *Anderson*, *Gawdy*, *Walmesly*, *Fenner*, *Kingsmil*, *Warburton*, *Savel*, *Daniel*, *Yelverton*, and *Singg*, were assembled in the *Star-Chamber*, where the Lord Chancellor, after a long speech made by him concerning Justices of the peace, and his exhortation to Justices of assize, and a discourse concerning papists and puritans, declaring how they both were disturbers of the state, and that the King intending to suppress them, and to have the laws put in execution against them, demanded

manded of the Justices their resolutions in three things:

First, whether the deprivation of puritan ministers by the High-Commissioners, for refusing to conform themselves to the ceremonies appointed by the last canons, was lawful? Whereto all the justices answered, that they had conferred thereof before and held it to be lawful, because the King hath the supreme ecclesiastical power which he hath delegated to the Commissioners, whereby they had the power of deprivation by the common law of the realm. And the statute of 1. *Eliz.* which appoints Commissioners to be made by the Queen, doth not confer any new power, but explain and declare the ancient power. And therefore they held it clear; *That the King without Parliament might make orders and constitutions for the government of the clergy, and might deprive them if they obeyed not. And so the commissioners might deprive them.* But they could not make any constitutions without the King: And the divulging such orders by proclamation is a most gracious admonition: And for as much as they have refused to obey, they are lawfully deprived by the commissioners *ex officio*, without libel, *Et ore tenus convocati.*

Secondly, Whether a prohibition be grantable against the commissioners upon the statute of 2. *Hen. V.* if they do not deliver the copy of the libel to the party: Whereto they all answered, That that statute is intended where the ecclesiastical judge proceeds *ex officio* & *ore tenus*. Thirdly, whether it were an offence punishable, and what punishment they deserved who framed petitions, and collected a multitude of hands thereto, to prefer to the King in a publick cause, as the puritans had done, with an intimation to the King, that if he denied their suit, many thousand of his subjects would be discontented? Whereto all the Justices answered, That it was an offence finable at discretion, and

and very near to *Treason and Felony in the punishment*: For they tended to the raising of sedition, rebellion, and discontent among the people. To which resolution all the Lords agreed. And then many of the Lords declared, that some of the puritans had raised a false rumour of the King, how he intended to grant a toleration to papists: which offence the Justices conceived to be heinously finable by the rules of the common law; either in the King's-bench, *or by the King and his council*, or now, since the statute of 3 *Henry 7.* in the star-chamber. And the Lords severally declared how the King was discontented with the said false rumour, and had made but the day before a protestation unto them, that he never intended it, and that he would spend the last drop of his blood in his body before he would do it; and prayed, that before any of his issue should maintain any other religion than what he truly professed and maintained, that God would take them out of the world.

I doubt not but yourself, and every *English* protestant, will join with this royal petitioner, and will heartily say, *Amen.*

But you desire to know if I think the resolution of the judges in this case ought to deter us from humbly petitioning his Majesty, that this Parliament may effectually sit on the 26th day of *January* next. In order to this, give me leave to observe to you, as it is most certain, that a great reverence is due to the unanimous opinion of all the judges, so there is a difference to be put between the authority of their judgments, when solemnly given in cases depending before them, and their sudden and extrajudicial opinions. The case of ship-money itself is not a better proof of this, than that which you have now read, as you will see, if you consider distinctly what they say to the several questions proposed to them.

As to their answer to the first question, it much concerns the reverend clergy to enquire, whether they did not mistake in it? And whether the King, by his proclamation, can make new constitutions, and oblige them to obedience under the penalty of deprivation? Should it be so, and should this unhappy kingdom ever suffer under the reign of a popish Prince, he might easily rid himself of such obstinate hereticks, and leave his ecclesiastical preferments open for men of better principles: He will need only to publish a proclamation, that spittle and salt should be used in baptism, that holy water should be used, and images set up in churches; and a few more such things as these, and the business were effectually done. But if you believe my Lord chief justice *Coke*, he will tell you that it was agreed by all the judges upon debate, *Hill. 4to Jacobi*, that the King cannot change his ecclesiastical law; and you may easily remember since the whole Parliament declared, that he could not alter or suspend them.

I have the uniform opinion of all the Judges given upon great deliberation, *Mich. 4to Jac.* to justify me, if I say that our judges here were utterly mistaken, in the answer which they gave to the second question; I will not cite the numerous subsequent authorities, since every man knows, that it is the constant practice of *Westminster-hall* at this day, to grant prohibitions upon a refusal to give a copy of articles, where the proceedings in the ecclesiastical courts are *ex officio*.

You see there was a kind of ill fate upon the judges this day, as usually there was when met in the star-chamber, and that they were very unfortunate in answering two of the three questions proposed to them; let us go on to consider what does principally concern us at present, their answer to the last question.

You

You have just done reading it, and therefore I need not repeat to you either the doubt or the solution of it; but one may be allowed to say modestly, that it was a sudden answer. 'Tis possible the Lords then present were well enough informed, when they were told that such kind of petitioning was an offence next to treason and felony; but I dare be so bold as to say, that at this day, not a lawyer in *England* would be the wiser for such an answer; they would be confounded, and not know whether it were misprision of treason, which seems an offence nearest to treason, or petty larceny, which seems nearest to felony.

You will be apt to tell me that I mistake my Lords the Judges, and they spoke not the nature of the crime, but the manner of the punishment; but this will mend the matter but little; for since the punishments of those two crimes are so very different, you are still as much in the dark as ever, what these ambiguous words mean.

Well, but we will agree, that the crime about which the enquiry was made, was a very great one. When men arise to such insolence, as to threaten their Prince, it will be but little excuse to them, to call their menaces, by the soft and gentle name of petitions.

But you would know for what, and in what manner we are at present to petition; and I will give you a plain and infallible rule. It is the statute 13 *Car. 2. c. 5.*

Be it enacted, &c. that no person or persons whatsoever, shall solicit, labour, or procure the getting of hands, or other consent of any persons above the number of twenty, or more, to any petition, complaint, remonstrance, declaration, or other address to the King, or both or either houses of Parliament, for alteration of matters established by law in church or state, unless the matter thereof have been first consented to, and ordered by three or
more

more justices of the county, or by the major part of the grand-jury of the county, or division of the county, where the same matter shall arise at their publick assizes, or general quarter-sessions, or if arising in *London*, by the Lord Mayor, Aldermen, and Commons in common council assembled; and that no person or persons whatsoever, shall repair to his Majesty, or both, or either of the houses of Parliament, upon pretence of presenting or delivering any petition, complaint, remonstrance, or declaration, or other addressees, accompanied with excessive numbers of people, not at any one time with above the number of ten persons, upon the pain of incurring a penalty, not exceeding the sum of 100 *l.* in money, and three months imprisonment, without bail or main-prize for every offence; which offence to be prosecuted at the court of *King's-Bench*, or at the assizes, or general quarter-sessions, within six months after the offence committed, and proved by two or more credible witnesses.

Here you observe the Parliament, who set themselves directly to obviate all the inconveniencies, which might arise to the government from tumultuous petitioning, will not allow that great numbers should join in petitions, for alteration of the laws (because it is possible ill men should abuse such liberty) unless the manner of the petition be consented to in such a manner as the act directs; but in all other cases, they leave the subjects to their undoubted liberty, as well knowing that from thence there could arise no possible inconvenience; but on the contrary, that to bar the people of that humble way of making their wants known, might force them upon worse ways of doing it.

And therefore I must tell you, that you do my Lord Chancellor great injustice, if you think his speech tends to deter men from all manner of petitioning: No, that wise and eloquent Lord, who receives every day so many petitions, will I suppose be

be content the King should receive some too. It never yet was thought * seditious or tumultuous in any government, for the subjects in an humble manner to beg, that he who has the only power to do it, would redress their grievances: It is the way by which we apply ourselves to the King of heaven, who knows all our wants, and yet expects from us that we should daily express them to him in humble petitions. And the wisdom of the church, which has appointed liturgies and forms of Common-prayer, seems to instruct us, that God is pleased when huge numbers join in the same petition. Why should not then suppliant subjects, with like humility, and in like manner, address themselves to the God on earth? especially since Kings cannot know our desires or our grievances, till we ourselves inform them what they are. I remember some wicked Counsellors of *Darius* did once obtain a law to be made, that none should petition any one but the King for thirty days; but there never yet was found so absurd a statesman as to advise a law, that subjects should not supplicate their Prince. It is probable it would be well for some favourites, who are near a King, if such a right could be taken from the people, for then all their false suggestions and informations might pass undiscovered; but 'tis impossible that a King should long be safe in such a condition. I will suppose a malicious statesman, intending to raise a jealousy in the mind of the Sovereign,

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* It is the right of all people that apprehend themselves aggrieved, to approach his Majesty by petition, Mr. *Finch's* Argument in the trial of the seven Bishops, f. 105. The subjects have a right to petition the King in all their grievances; so says all our books of law, and so says the statute 13 *Car. Ild.* Serjeant *Levinz*, in the same trial, fol. 121. — It was one article against the Earl of *Strafford*, that he issued out a Proclamation and warrant of restraint, to inhibit the King's subjects to come to the fountain, their Sovereign, to deliver their complaints of their wrongs and oppressions. *Rushw.* in his trial, 721.

should inform him in dangerous times, that he was not beloved by his people, and that he was not to trust them. How could the subjects in such a case recover the Prince's good opinion, in the absence of a legal representative, but by humble and affectionate addresses? Or suppose some good protestant Prince should be so unfortunate, as to have some Counsellors near him who are concealed; and others whose crimes make them fear Parliaments, it is easy to suppose, that the one sort will be filling his ears with stories, that a great part of his kingdom are inclined to popery; and the other sort, that the best of his subjects are quite out of love with Parliaments, as factious and seditious assemblies: Into what unfortunate circumstances would such a Prince be apt to fall, if his people were precluded from addressing themselves, and opening their desires to him?

I might go on to trouble you with infinite Instances of this nature, but there is no want of any in so plain a case: 'Tis the doctrine of our church, that the only arms of subjects, are prayers, petitions, supplications and tears; and they are no friends either to the King or church, who would disarm us of these.

My Lord Chief Justice *Hobart* tells us, that it is lawful for any subject to petition the King for redress, in an humble and modest manner; for (says he) access to the Sovereign must not be shut up in case of the subjects distresses. It was one of the crimes for which the *Spencers* were banished by Parliament, that they hindred the King from receiving and answering petitions from great men, and others.

And as it is our unquestionable right, so in all ages, the usage has been by petition to inform our King of our grievances. In the reign of King *Edward* the 1st and *Ed.* the 3d. Petitions were frequent for redress of publick grievances, and for
Par.

Parliaments, especially out of *Ireland*, (though that is a conquered nation) as may be seen in the close rolls of the reigns of those two Kings, one instance I will give you for your satisfaction, but I will tire you with no more, for that would be endless.

'Tis Claus. 10 Ed. 2 M. 28. *Intus pro communitate Hiberniæ. Rex. Dilect. & fideliter suis Just. Cancellar. & Thesaur. Suis Hib. Salutem, ex parte populi nostri terræ prædict. petitionem suam coram nobis & concilio nostro exhibitum nobis est cum instantia supplicare, quod cum, &c.*

In the 5th year of the reign of *Richard* the II^d, the whole body of the realm petitioned, that the most wise and able men within the realm might be chosen chancellors.

King *Henry* the VIII. told his subjects then in arms against him in *Yorkshire*, that they ought not to have rebelled, but to have applied themselves to him by petition.

King *James* by a Proclamation published in the 12th year of his reign, begins thus: 'The complaints lately exhibited to us by certain noblemen, and others of our Kingdom of *Ireland*, suggesting disorders and abuses, as well in the proceedings of the late begun Parliament, as in the martial and civil government of the kingdom, we did receive with extraordinary grace and favour.

And by another Proclamation in the 12th year of his reign, he declares, That it was the right of his subjects to make their immediate addressees to him by petition; and in the 19th year of his reign he invites his subjects to it.

And in the 20th year of his reign, he tells his people, that his own, and the ears of his privy-council, did still continue open to the just complaints of his people; and that they were not confined to times and meetings in Parliament, nor restrained to

particular grievances ; not doubting but that his loving subjects would apply themselves to his Majesty for relief ; to the utter abolishing of all those private whisperings, and causeless rumours, which, without giving his Majesty any opportunity of reformation, by particular knowledge of any fault, serve to no other purposes but to occasion and blow abroad discontentment.

It appears that the house of Lords, both spiritual and temporal, *nemine contradicente*, voted thanks to those Lords who petitioned the King at *York*, to call a Parliament.

And the King by his declaration, printed in the same year, declares his royal will and pleasure, That all his loving subjects, who have any just cause to present or complain of any grievances or oppressions, may freely address themselves by their humble petitions to his sacred Majesty, who will graciously hear their complaints.

Since his Majesty's happy restoration, the inhabitants of the county of *Bucks*, made a petition, That their county might not be over-run by the King's deer ; and the same was done by the county of *Surry*, on the same occasion.

'Tis time for me to conclude your trouble : I suppose you do no longer doubt but that you may join in petition for a Parliament, since you see it has been often done heretofore ; nor need you fear how many of your honest countrymen join with you, since you hear of petitions by the whole body of the realm ; and since you see, both by the opinions of our lawyers, by the doctrine of our church, and by the declaration of our Kings, that it is our undoubted right to petition. Nothing can be more absurd than to say, that the number of the suppliants makes an innocent petition an offence ; on the contrary, if in a thing of this publick concernment, a few should address themselves to the King, it would be a thing in it self ridiculous ; the great end of such

addresses being to acquaint him with the general desires of his people, which can never be done unless multitudes join. How can the complaints of the diffusive body of the realm reach his Majesty's ears, in the absence of a Parliament, but in the actual concurrence of every individual person in petition? For the personal application of multitudes is indeed unlawful and dangerous.

Give me leave since the *Gazette* runs so much in your mind, to tell you (as I may modestly enough do, since the statute directs me) what answer the Judges would now give, if such another case were put to them, as was put to the Judges 2 *Jacobi*.

Suppose the nonconformists at this day, (as the puritans then did) should solicit the getting of the hands of multitudes to a petition to the King, for suspending the execution of the penal laws against themselves; the present Judges would not tell you, that this was an offence next to treason or felony, nor that the offenders were to be brought to the council-board to be punished; but they would tell you plainly and distinctly, that if the hands of more persons than twenty, were solicited, or procured to such a petition, and the offenders were convicted upon the evidence of two or more credible witnesses, upon a prosecution in the King's-bench, or at the assizes or quarter-sessions, within six months, they would incur a penalty not exceeding 100*l*. and three months imprisonment, because their petition was to change a matter established by law. But I am sure you are a better logician than not to see the difference which the statute makes between such a petition, which is to alter a thing established by law, and an innocent and humble petition, That a Parliament may meet according to law, in a time when the greatest dangers hang over the King, the church, and the state.

The fourth
Parliament
1680.

The new Parliament met the 21st of October 1680.

The King came to the house of Peers with the usual solemnity, and made this remarkable speech to both houses.

The King's
speech to
both houses.

My Lords and Gentlemen,

‘ T H E several prorogations I have made, have
‘ been very advantageous to our neighbours,
‘ and very useful to me ; for I have employed that
‘ time in making and perfecting an alliance with
‘ the crown of *Spain*, suitable to that which I had
‘ before with the states of the *United Provinces*, and
‘ they also had with *Spain*, consisting of mutual ob-
‘ ligations of succour and defence. I have all the
‘ reason in the world to believe, that what was so
‘ much desired by former Parliaments, must needs
‘ be very grateful to you now : For though some,
‘ perhaps, may wish these measures had been taken
‘ sooner ; yet no man can with reason think that it
‘ is now too late ; for they who desire to make
‘ these alliances, and they who desire to break them,
‘ shew themselves to be of another opinion. And
‘ as these are the best measures that could be taken
‘ for the safety of *England*, and repose of Christen-
‘ dom, so they cannot fail to attain their end, and
‘ to spread and improve themselves farther, if our
‘ divisions at home, do not render our friendship
‘ less considerable abroad.

‘ To prevent those as much as may be, I think
‘ fit to renew to you, all the assurances which can
‘ be desired, that nothing shall be wanting on my
‘ part to give you the fullest satisfaction your hearts
‘ can wish, for the security of the protestant re-
‘ ligion ; which I am fully resolved to maintain
‘ against all the conspiracies of our enemies, and to
‘ concur with you in any new remedies, which shall
‘ be proposed, that may consist with the preserving
‘ the *succession of the crown in its due and legal course*
‘ of

of descent. And in order to this, I do recommend it to you, to pursue the farther examination of the plot, with a strict and an impartial enquiry. I do not think myself safe, nor you neither, till that matter be gone through with, and therefore it will be necessary that the Lords in the *Tower* be brought to their speedy trial, that Justice may be done.

I need not tell you what danger the city of *Tangier* is in, nor of what importance it is to us to preserve it. I have, with a mighty charge and expence, sent a considerable relief thither; but constantly to maintain so great a force as that war will require, and to make such new works and fortifications, without which the place will not be long tenable, amounts to so vast a sum, that without your support, it will be impossible for me to undergo it: Therefore I lay the matter plainly before you, and do desire your advice and assistance.

But that which I value above all the treasure in the world, and which I am sure will give me greater strength and reputation both at home and abroad, than any treasure can do, is, *A perfect union among ourselves*. Nothing but this can restore the kingdom to that strength and vigour which it seems to have lost, and raise us again to that consideration which *England* hath usually had.

All *Europe* have their eyes upon this assembly, and think their own happiness or misery, as well as ours, will depend upon it. If we should be so unhappy, as to fall into such a misunderstanding among ourselves, as would render our friendship unsafe to trust to, it will not be to be wondered at, if our neighbours should begin to take new resolutions, and perhaps such as may be fatal to us.

Let us therefore take care that we do not gratify our enemies, and discourage our friends by any unreasonable disputes. If any such do happen, the world will see it was no fault of mine; for I have

‘ done all that was possible for me to do, to keep
 ‘ you in peace while I live, and to leave you so
 ‘ when I die; but from so great prudence and good
 ‘ affection of yours, I can fear nothing of this kind,
 ‘ but do rely upon you all, that you will use your
 ‘ best endeavours to bring this Parliament to a good
 ‘ and happy conclusion.’

After this speech, the Lord Chancellor, by his Majesty's command, directed the Commons to return to their house, and to proceed to the choice of a Speaker, when *William Williams*, Esq; was unanimously elected; and was approved the next day by his Majesty. The first thing the Commons did, was to purge their house of several obnoxious members, particularly of such as had been abhorers of the late petitions for the Parliament's sitting. At the same time they ordered a very strict enquiry to be made after all such persons as had been any ways advising or promoting the late Proclamation, intitled, *A Proclamation against tumultuary petitioning*. But that which took up most of their time, and which employed their greatest zeal, was a bill brought in for the exclusion of the Duke of *York*; from whence it has had ever since the name of the exclusion Parliament.

The first debate began *October* the 26th, five days after the meeting of the Parliament, which the Lord *Russel* opened with the following speech.

Lord *Russel*.

Mr. *Speaker*, Sir, seeing by God's providence, and his Majesty's favour, we are here assembled, to consult and advise about the great affairs of the kingdom, I humbly conceive it will become us to begin first with that which is of most consequence to our King and country, and to take into consideration how to save the main, before we spend any time about particulars. Sir, I am of opinion, that the life of our King, the safety of our country and
 protestant

protestant religion, are in great danger from popery; and that either this Parliament must suppress the power and growth of popery, or else that popery will soon destroy, not only Parliaments, but all that is near and dear to us. And therefore I humbly move, that we may resolve to take into our consideration in the first place, *how to suppress popery, and prevent a popish successor*; without which all our endeavours about other matters will not signify any thing, and therefore this justly challengeth the precedence.

Mr. *Speaker*, Sir, I stand up to second that motion, and to give some reasons, with your permission, why I agree in it, not doubting but other persons will be of the same opinion, if they have the same sentiments, of what influence the popish party have had in the management of most of our affairs, both at home and abroad, for many years last past: And how that party hath increased, and been encouraged. Sir, I remember that after his Majesty's happy restoration, it was thought convenient that an act of uniformity should pass, as the best law that could be invented, to secure the church from the danger of popery and fanaticism, and accordingly it did pass in the year 1662; but in the year 1663, some that then managed the great affairs of state, or at least had great interest with his Majesty, were of another opinion: For they had prevailed with him to grant a toleration and indulgence, and to make a declaration to that purpose. The Parliament assembling soon after, thought it very strange, that in one year an *act of uniformity* should be the best way to preserve the church, and that in the next year, a toleration and indulgence; therefore after a serious debate about it, in *February* 1663, they made an address to his Majesty, humbly representing how it would reflect upon the wisdom of that Parliament, to have such an alteration

Sir Harry
Capel.

teration made so soon; and that such proceedings, for ought they could foresee, would end in popery. Upon which his Majesty, out of his great goodness, stopped the issuing out of the said toleration, hearkening rather to the advice of his Parliament, than to any private counsellors. Sir, I cannot inform you who it was that gave that advice to his Majesty, nor certainly affirm they were popishly affected; but if I may take the liberty to judge of a tree by its fruit, I have some reason to think so; because I find by *Coleman's* letters, and other discoveries, that a toleration and indulgence should be one of the great engines they intended to use for the establishing of popery in this nation. But the project thus failing at this time, they were forced to wait with patience until they could have another opportunity; employing in the mean time their diabolical counsels, in weakening the protestant interest, (in order to a general destruction of it) by engaging us in a war with *Holland*. In which the *French* acted the same part in the behalf of the *Dutch*, as they did afterwards in our behalf against them, 1672, very fairly looking on both times, while we poor protestants with great fury destroyed one the other. But this was not so strange, nor so plain, as the dividing of our fleet under the command of Prince *Rupert* and General *Monk*, and the design of destroying them as well as their ships, and the rest of our navy royal at *Chatham*. And as they thus acted their part at sea, so they did not forget to do their best ashore; in *April* 1666, some persons that were then hanged, fairly confessed they had been treated with, and had treated with others, to burn the city of *London* in *September* following, of which confession we then took as little notice, as we have of other discoveries against papists since; however, accordingly in *September*, thirteen thousand houses of the city of *London* were burnt. And those that were taken in carrying on that work, generously

nerously discharged without any trial; and one papist, that confess'd that himself and others did set the city on fire, was in great haste hanged, and so the business was hushed up, as completely as the late great plot is like to be now, branding *Hubert*, that then made that confession, with madness; as now these last witnesses with perjury, sodomy, and what not. However, these businesses were not so carried, but his Majesty discerned some of the intrigues of them, which made him alter his councils, and, contrary to the endeavours of that party, enter into new alliances, by making up that excellent league, usually called the triple league. Which put a stop to these mens designs as to affairs abroad, but not to their designs here at home. For having obtained the *Oxford* act, and some others against the dissenters, great endeavours were used to have them executed severely, in expectation that the dissenters would soon be made weary of living quietly under them, and in the end be glad of a toleration; but the dissenters deceived them, and submitted to the laws, insomuch that in 1670 to 1671, there was hardly a conventicle to be heard of in *England*. And might never have been more, if that party had not been afraid of a great disappointment thereby; wherefore to revive our divisions, and to bring in (as they hoped) their own religion, they imployed all their force again to get a toleration. I say they did it; because it cannot be imagined it could be from any protestant interest, both church-men and dissenters publickly declaring their detestation of it. And in 1672 it was obtained, printed, and published. After we had, in order to the carrying it on, broke that never to be forgotten triple league, sacrificed our honour to the *French*, not only by making a strong alliance with them, but by seizing the *Dutch Smyrna* fleet, and then afterwards proclaiming war with them. Which war continued in order to ruin us both; for
the

the *French* proved but lookers on at sea, (as they had done when engaged with the *Dutch* in 1665,) though great conquerors at land, especially of the protestants in *Germany* and *Holland*. And as this toleration was accompanied with these great alterations in affairs abroad, so it was backed, 1. With a great minister of State at the helm at home, who was so confident of the refixing popery here, that he could not forbear to declare himself to be of that religion, I mean my Lord Treasurer *Clifford*; as also, 2. With a great army at *Black-Heath*, ready upon all occasions; and, 3. With the greatest violation on the property of the subject, that ever happened in this nation, the seizing of one million and an half, or thereabout, in the exchequer. All which indeed made our condition desperate, and, as many thought, past retrieve. But, Mr. *Speaker*, here again the goodness and wisdom of his Majesty saved us, refusing to follow such pernicious counsels; upon which *Clifford* not only lost his place, but his life too, breaking his heart (as is by most believed) to see himself so disappointed in this great design. And here, as we can never too much detest my Lord *Clifford*, and such others, who contrived our ruin; so we can never sufficiently admire his Majesty's royal care, in working out our security, by refusing to follow any advice that tended to those ends. And therefore, to the great disappointment of that party, at the request of the house of Commons at their next meeting, he recalled the said toleration, disbanded the army, and in convenient time made a peace with *Holland*. But though this party were thus defeated of their design, yet not so discouraged as to give it over. They changed their measures, but not their principles; and although they desisted from farther aiming at a toleration, yet they no ways neglected pursuing a reformation; but in order thereto, prosecuted a correspondence formerly begun for
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that purpose with the *French* King, and by promising him considerable supplies, to carry on the war he was then engaged in, secured themselves, as they thought, of his assistance for settling of popery here. Accordingly, it is not unknown, what a party of men, and what quantity of ammunition, and other necessaries for war, were sent to the *French* King, during the war he was then engaged in; and how it was done contrary to the advice of the Parliament, and the solicitations of most of the Princes in *Europe*, and true interest of *England*, to the astonishment of all good men; especially because it was contrary to his Majesty's own proclamation, and when the *French* had declared they made that war for religion, endeavouring to force the *Dutch* to allow of popish churches. However, such was the strength of this party, that this assistance was continued until the *French* King was willing to make a peace, and then who more instrumental than our Ministers to effect it? several ambassadors, and plenipotentiaries too, being sent as well to the court of *Spain*, as *Germany* and *Holland*, for that purpose. And at last, the *Dutch* being weary, and consumed with the war, they were persuaded to be willing of a peace, and accordingly, the 10th of *January* 1677, entered into a treaty with us for a general peace, to be accomplished by such ways and means as are therein prescribed. Which league was kept private for some time, and instead of any discovery thereof, about the end of *February* following, (the Parliament being then soon after to assemble) a great noise was made of entering into a war with *France*, it being concluded, that nothing like that would incline the Parliament to give money, nor the people freely to part with it, because it was the only way to extinguish those fears they lay under by reason of the growing greatness of *France*. At the meeting of the Parliament, the project was set on foot with all the art and industry imaginable; and so far were the
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major part of the members persuaded of the reality thereof, that they were inclinable to give a great sum of money for the carrying on of the war; but while they were in consultation about it, the league formerly mentioned, agreed at the *Hague*, was unluckily made (in some measure) public, and occasioned a great jealousy of the reality of the pretended war. And the greater, because upon an inquiry, they could not find there were any alliances made to that purpose. And yet notwithstanding this, and the great endeavours of some worthy members of that Parliament, (now of this;) an army of thirty thousand men were raised, and a tax of above 1,200,000 pounds was given. And then, instead of a war, a general peace, according to that treaty agreed with *Holland*, was presently made. By which that party thought they had secured, not only the power of *France*, but the men and money here raised at home, to be made serviceable for their ends; there wanting nothing but a popish King to perfect all these designs. For which we have great reason to believe they had made all necessary preparation, as well by employing men and money, to find out wicked instruments to take away the King's life, as by providing one *Claypool* to be a sacrifice, to make an atonement for the act, and to cast the wickedness thereof on the fanatics. To which purpose the said *Claypool* was really imprisoned some time before in the tower, upon the evidence of two witnesses, that he should say, that he and two hundred more had engaged to kill the King, the next time he went to *New-Market*. For which, in all probability, he had as really been hanged, if the breaking out of the plot had not prevented their designs. Then was *Claypool*, the next term after, publicly cleared at the King's-bench-bar, the witnesses appearing no more against him. Thus were we again reduced to a miserable condition; but it pleased God, by the discovery of the plot by Dr. *Oates*,
once

once more to save us ; whose evidence (he being but one witness) they thought at first to have out-braved, but some of them being so infatuated as to kill Justice *Godfrey*, and *Coleman* so unfortunate as to leave some of his important papers in his house, notwithstanding the time he had to convey them away, it wrought so great a fermentation in the people, as that there was no remedy, but that the farther pursuit of the plot must be again laid aside, and a fair face put upon things. And so accordingly there was for a few months ; but how, after *Wakeman's* trial, things turned again, what endeavours have been since used to ridicule the plot, to disparage the old witnesses, to discourage new ones, to set up presbyterian plots, and to increase our divisions, I suppose must be fresh in every man's memory here, and therefore I shall not offer to trouble you therewith.

But, Sir, I cannot conclude, without begging your patience, while I observe how things have been carried on in *Scotland* and *Ireland*, answerable to what was done here.

In *Ireland*, the papists are at least five to one in number to the protestants, and may probably derive from their cradle an inclination to massacre them again ; at least the protestants have no security, but by having the militia arms, and the command of towns and forts in their hands. But about the same time, or a little before that the toleration came out here in 1672, an order went from hence, which, after a long preamble of the loyalty and affection of the papists to his Majesty, required the Lord Lieutenant and council to dispense with the papists wearing of arms, and living in corporations, and a great many other things in their favour ; of which they have made such use, as that the plot there was in as good readiness as that here ; but how carried on, and how endeavours were there also used to stifle it, will

will appear, when your leisure may permit you to examine those witnesses.

In *Scotland*, the government is quite altered, the use of Parliaments in a manner abolished, and the power of that government lodged in a commissioner and council, a standing army of twenty 'two thousand men settled, all endeavours used to divide the protestant interest, and to encourage the papists. By which we may conclude, that the same interest hath had a great hand in the management of affairs there also.

And, Sir, may we not as well believe, that the world was at first made of *Atoms*, or by chance, without the help of an omnipotent hand, as that these affairs in this our little world have been thus carried on, so many years together, so contrary to our true interest, without some great original cause, by which the popish interest hath so far got the ascendant of the protestant interest, that notwithstanding all his Majesty's endeavours, things have been strangely over-ruled in favour of that party; how and which way, His Majesty's declaration made in *April 1679*, is to me a great manifestation.

Sir, I hope the weight of the matter I have discoursed on, will plead my pardon with the house for having troubled you so long: I submit what I have said to your judgment, humbly desiring a favourable construction; and although I have said some things that are very strange, and other things grounded only on conjectures, yet I believe that no man will have just reason to doubt the probability of the truth, if they will but consider, what a potent friend the papists have had of *James Duke of York*, and how *emboldned* by the hopes of having him for King. And as it is not to be doubted but that they have had his assistance, so they have had the *French* Ambassador's too, who, by his frequency at the palace, had seemed rather *one of the family and King's household*, than a foreign Ambassador; and by his
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egress and regress to and from his Majesty, rather a *prime minister of state of this kingdom*, than a counsellor to another prince. And the truth of all hath been so confirmed by *Coleman's* letters, making the Duke's interest, the *French* interest, and the papists interest, so much one, and by the many witnesses that have come in about the plot, that I think we may rather be at a loss for our remedy, than in doubt of our disease. And therefore, though I know the difficulties I may bring myself under, by having thus laid open some men's designs; yet seeing my King and country have called me to this service, I am resolved, that as my father lost his life for King *Charles I.* so I will not be afraid to adventure mine for King *Charles II.* and that makes me expose my self in his service in this place.

Sir, I think (seeing things are thus) without neglecting our duty to our King and country, nay to our God too, we cannot defer endeavouring the securing of the King's person, and protestant religion, by all lawful means whatsoever; and therefore I second the motion that was made, that we may, in the first place, take into our consideration, how to suppress popery, and prevent a popish successor; that so we may never return again to superstition, idolatry, and slavery, but may always preserve that pure religion, to the religion of this nation, for which so many of our fore-fathers have suffered martyrdom, I mean the protestant religion, as long as the sun and moon endures.

Mr. *Speaker*, Sir, the popish party have not only had a great influence on the management of our affairs, both foreign and domestic, while they could do it under a disguise, but notwithstanding the discovery of their whole plot, have ever since gone on triumphant, as if they were not afraid of any opposition that can be made against them. Although the most part of Doctor *Oates's* discovery was no news to most men; and the great correspondence

*Sir Francis
Winnington.*

which *Coleman* had held with foreign parts, had been generally observed for some years; yet what difficulties were there raised against believing of *Oates's* testimony, and against apprehending of *Coleman's* person, and seizing of his papers; by which he had opportunity to carry away the most part, and by that means prevented a great deal of evidence, which we should otherways have had against that party; though by chance he left enough to hang himself. And as their power, or the respect which was born them, appeared in this; so their great confidence in the never to be forgotten death of Sir *Edmund-bury Godfrey*, which doubtless they accomplished, (as to conceal evidence, so to intimidate Justices and others from doing their duty,) with great assurance, that those who did it should never have been brought to justice. And I must confess, we took a strange unheard of way, either to do that or prevent the going on of the plot: For in *October* after the plot broke out, no less than fifty seven commissions were discovered for raising of soldiers, granted to several popish recusants, with warrants to muster without taking the oaths of *Allegiance* and *Supremacy*, or *Test*; counter-signed by the then secretary of state. Of which the Parliament taking notice, they were soon after dissolved, in the midst of the examination of the plot. And the next that was called, though composed of true *English* gentlemen, as soon as they fell severe upon popery, had no better success; certainly, Sir, not by the prevalency or advice of any true *English* protestants; and who then may be presumed to have given such advice, I leave to your judgment. These two Parliaments being thus dissolved, a third was summoned, but was not permitted to sit, but, on the contrary, put off by several prorogations. At which the people being discontented, their fears and jealousies arising from the papists increasing, from which they knew they could not be effectually secured but by a Parliament;

liament; several counties and cities joined in petitioning his Majesty for a Parliament. But it being foreseen that every thing that tended to make way for the meeting of Parliaments, was dangerous, such was the influence of that party, as that they obtained a proclamation, penned I think by *Coleman* himself, or by some body that had no more love for the protestant religion than he, forbidding petitioning as seditious and tumultuous. And that nothing should be wanting to shew their power, at length, by the endeavours of some great men, some credulous and ambitious men were drawn in to be abhorrrers. Good God! Where were these men's senses, that in a time when the nation was in such imminent danger, there should be any good protestant that should abhor petitioning for a Parliament? But I hope this house will have a time to speak with those gentlemen, and mark them with the brand they deserve. And now that it was found, that there were a good easy sort of credulous people that might be wrought upon, it was thought high time to have a counter-plot, that might swallow up that of the papists, and restore them to their former credit. How far this was carried on by good men and bad, I am loth to particularize; but I cannot but observe, that *Dangerfield* had more money and encouragement given, while he was carrying on of that plot, than I could ever hear he hath had since the discovery of it. But though it be not strange, that the papists should be so wicked, as to contrive such a design, for the casting of the plot upon the protestants, though with the loss of so many honest men's lives, as was intended; yet it is strange to see how willing *many protestants, especially of those who have reason to think themselves of the best sort, were to believe it*; and how little pleased with *Dangerfield*, for the great service he did in discovering that wicked plot. So powerful and so lucky are the popish party, in infusing of animosities amongst us, tending to divide us, and

so willing are we to entertain them to our destruction. And as the popish party have been very industrious in the contriving of reports and plots, to remove the ill reports they lie under, and have had a great influence in managing of parliamentary affairs; so we may presume they have of late had in the dispensing of justice, as may appear by considering what hath been done by our judges of late.

At *Wakeman's* trial, those persons who at former trials had been treated with that respect that is due to the King's evidence, and whose credit and reputation had stood clear without exception in all other trials, were now not only brow-beaten, but their evidence presented to the jury as doubtful, and not to be depended on; and so at all other trials of papists from that time forward. By which many of the greatest offenders were quitted and cleared as to the plot, and those that were brought for defaming the King's evidence, and suborning witnesses in order thereto, very kindly treated, and discharged with easy sentences, especially if papists; but if protestants, though only for printing or vending some unlicensed book, were imprisoned and largely fined. But I beg leave to particularize in the case of one *Carr*, who was indicted for printing a weekly intelligence, called, *The packet of advice from Rome, or, the History of popery*. This man had a strange knack of writing extraordinary well upon that subject, and the paper was by most persons thought not only very ingenious, but also very useful at this time, for the information of the people, because it laid open very intelligibly the errors and cheats of that church. However, upon an information given to the court of King's-bench against this *Carr*, this rule was made.

Ordinatum est, quod liber intitulat' The weekly Packet, &c. non ulterius imprimatur, vel publicetur, per aliquam personam quamcunque. Per. Cur.

I think

I think it amounts to little less than a total prohibition of printing any thing against popery.

The true *English* protestants being thus prevented of having Parliaments to redress their grievances, and to secure them against the fears of popery, as also from petitioning for Parliaments, or writing for the protestant religion, they had recourse to their old way of presenting grievances by juries. But advice being given, that some great papists were concerned in the presentment, particularly the Duke of *York*, the jury was dismissed in an extrajudicial manner, and so no remedy in the world allowed for poor protestants. What an unhappy star were we born under, that things should be thus carried against us, in the whole course of our government, whilst we have a wise protestant King over us? What may not be expected under a popish King, if it should be our misfortune to have any? And therefore, I think, Sir, we ought to endeavour to prevent it, by consulting in the first place how to suppress popery, and prevent a popish successor, which is my humble motion.

Mr. *Speaker*, Sir, you have heard what an in-^{Ralph Montague.}fluence the popish party hath had in the management of all our affairs of greatest importance, almost ever since his Majesty's happy restoration; how the making of peace, or war, or foreign alliances, hath been over-ruled by that party, to the great danger of the nation, and protestant religion both at home and abroad: Inasmuch as it may be justly feared, that there is a general design to root out that religion from the face of the earth; which may not be difficult to be done, if by establishing popery here, assistance to the protestants abroad may be prevented, or by destroying the protestants abroad (which are so many bulwarks to us) we should be left to resist alone. You have also heard how that party hath influenced the resolutions made touching

Parliaments and affairs here at home. The truth is, Sir, that interest is crept into our court, and hath a great power in our councils; it is crept into our courts of justice, and hath a great command in our army, our navy, our forts, and our castles, and into all places upon which our security depends. And it is impossible it should be otherwise, as long as we have a popish successor, and that party the hopes of a popish King. And I humbly conceive that it is very obvious, that as long as that party hath such a power, not only our religion, but the life of his Majesty, and the whole government, is in danger. And therefore I think we cannot better comply with our duty to our King and country, than in resolving to use our utmost endeavours to extirpate popery, and prevent a popish successor; and therefore I would desire you would be pleased to put the question.

Resolved, That it is the opinion of this house, that they ought in the first place to proceed effectually to suppress popery, and prevent a popish successor.

The 27th of October, 1780.

Henry Booth,
Esq;

Mr. Speaker, Sir, yesterday you made a resolve, declaring what you intended to do in reference to popery; by which you may conclude, you have made many enemies at court, or of such as usually frequent it. And it may justly be expected, that they will rather use their endeavours to destroy you, than permit you to destroy them. And if we may take our measures from the power they have discovered, in the dissolution of the last Parliaments, and many prorogations of this, in a time when there was never more need of the sitting of Parliaments, because of the great danger that did arise from that party, we may conclude, it may be possible for them to do the like again. Therefore, that we may not be wanting

ing in doing what we can, in order to create in his Majesty a good opinion of this house ; let us make an humble address to his Majesty, to assure him of our loyalty, and readiness to stand by him with our lives and fortunes. And that when his Majesty shall be pleased to grant us such bills, as are absolutely necessary for the security of the protestant religion, we will be ready to supply him, with what money his occasions may require for the support of his government, and the protestant religion both at home and abroad.

Sir, I do not move this without some reason: I am jealous that those which are for the popish interest, do endeavour to represent this Parliament to his Majesty as fanatical and seditious ; that we will do nothing but arraign his government, wound his ministers, destroy his brother, and endanger his royal person ; and that no supplies can be expected from us. Which false suggestions of that wicked party, we may do well to prevent. And therefore, I humbly move you, that a Committee may be appointed to draw up some such address upon the debate of the house.

To which several persons made opposition, alleging that in the late long Parliament, they had often been drawn in, to give money by such addresses ; and that in that Parliament no such addresses were ever made, but it ended in money, because the word of a *house of Commons* pledged to the King, is always to be understood, as may best preserve the reputation of the house, which ought to be kept inviolable.

It was answered, That it was not strange that it was so in the long Parliament, being composed of so many pensioners, who were to have a share of what they gave ; but the case being now altered, and the Parliament composed of

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persons that disdained such wicked practices, and the house being masters of their own votes, there could be no danger of making such an address in that house.

Resolved, That an address be made to his Majesty, declaring the resolution of this house, to preserve and support the King's person and government, and the protestant religion at home and abroad.

Sir Gilbert
Gerrard.

Mr. *Speaker*, I crave leave to mind you of a great infringement which hath been made of the liberty of the subject, since the last session of Parliament. Sir, many good protestants thinking it very strange, that two Parliaments should be dissolved, without doing any thing material against popery, and a third so often prorogued in a time of such imminent danger; and foreseeing the ruin such delays might bring upon them, resolved to petition his Majesty; and accordingly in several counties and corporations, petitions, humbly praying his Majesty *to let the Parliament sit*, were drawn up, and signed by many thousands of his Majesty's good subjects, in a peaceable and quiet way, and delivered to his Majesty by no greater number of Persons than is allowed. But although this was conformable to law, and the duty of good subjects, considering what danger his Majesty's person and the protestant religion was in, yet it was traduced to his Majesty as seditious and tumultuous, and forbidden by a Proclamation, and great affronts and discouragements given to such, as either promoted or delivered the said petitions; and at last several persons in many places were set up to declare at the assizes, and other publick places, an abhorrency and detestation of such petitioning.

Sir, I humbly conceive the subjects of *England* have an undoubted right, to petition his Majesty for the sitting of Parliaments, and redressing of grievances; and that considering the circumstances we are under,

under, we have no reason to lose it. If it should be our unhappiness to have a popish King, may he not be surrounded with popish Counsellors, so as that poor protestant subjects may be debarred of all other ways whatsoever of making known our complaints to him; and must we lose this too? Sir, I think it is so necessary, and material a privilege to the subject, as that we ought, without loss of time, to assert our rights to it; and therefore I humbly move you to make some vote to that purpose.

Mr. *Speaker*, Sir, I am not only of opinion Sir Francis
Winnington. with that worthy member that spoke last, as to making a vote for asserting the right of the subject to petition their prince, but also for chastising of those who have been so wicked and abominable, as to traduce it and abhor it. And to that purpose, I think, Sir, it will be convenient that we find out who advised or drew that Proclamation against it, and examine how a petition that was made in *Berkshire*, was ordered to be taken off the file at a quarter-sessions, if worthy to be so called, there being but four justices of the peace, and two of them such obscure persons as I cannot get their names. And also make some inspection into those addresses that have been made against petitioning, and by whom contrived, signed, or delivered. But this must be a work of time; for the present, I humbly move you to pass one vote to assert the right of the subject to petition the King, another of censure on those persons that have traduced it, and to appoint a Committee for your farther proceeding herein.

Resolved, *That it is, and ever hath been, the undoubted right of the subjects of England to petition the King, for the calling and sitting of Parliaments, and redressing of grievances.*

Resolved,

Resolved, *That to traduce such petitioning as a violation of duty, and to represent it to his Majesty as tumultuous or seditious, is to betray the liberty of the subject, and contributes to the design of subverting the antient legal constitution of this kingdom, and introducing arbitrary power.*

Resolved, *That a Committee be appointed to enquire after all such persons, that have offended against the right of the subject.*

Silas Titus.

Mr. Speaker, Sir, I am very glad these votes have past so unanimously; for popery and arbitrary government can never be set up in this nation, if we could be sure of frequent Parliaments. And therefore the asserting of the right of the subject in any thing which tends to that, may be of great use to this nation. But, Sir, seeing you have taken this business into your consideration, I think we may do well to go a little farther with it, even at this time. I am informed some members of the house are guilty of having acted contrary to those votes; and I am of opinion, that as they were not willing that we should sit here; so that we should be as willing not to have them sit amongst us. For if it were a great crime in others, much more in those that were chosen to assert the rights and liberties of the people. It is very unlikely that men of such principles should make good Parliament Men; and I think it will very well consist with the justice of the house, to begin with a reformation amongst ourselves; and therefore I humbly move we may first proceed against such.

Being commanded to name such members, he named Sir *Francis Withins*, who not being in the house, was ordered to attend the next day. Where, after he was heard in his place, he was ordered to withdraw, and censured to receive the sentence of the house upon his knees, and to be expelled the house.

The second of November.

SIR *Francis Winnington* made a report of what was found in the Lords journal relating to the horrid popish Plot.

Mr. *Treby* reports what by order of the secret Committee he reported to the last Parliament relating to the popish Plot.

After some Debates thereupon,

Resolved, *That the Duke of York's being a papist, and the hopes of his coming such to the crown, hath given the greatest countenance and encouragement, to the present designs and conspiracies against the King and protestant religion.*

Resolved, *That in defence of the King's person and government, and protestant religion, this house doth declare that they will stand by his Majesty with their lives and fortunes ; and that if his Majesty should come to any violent death, which God forbid, they will revenge it to the utmost on the papists.*

Mr. *Speaker*, Sir, I have observed from the *Silas Titus* reports that have been read, and all the evidence that I have heard about the popish Plot, that it hath its original, as you have voted, from *James Duke of York* ; and it is not probable, in my opinion, that the popish interest can ever decline, as long as there is a popish successor, and they have such hopes of his coming to the crown ; and therefore I humbly move you, that a Committee be appointed to draw up a bill to disable *James Duke of York* from inheriting the imperial crown of this realm.

Mr. *Speaker*, Sir, if we consider the train of ill *Lord Russel* consequences, that attend the having of a popish successor,

successor, and the certain miseries that must fall on this nation, if ever we should have a popish King; and how impossible the one, or improbable that the other can be prevented, but by disinheriting, the Duke of York: I think that as we cannot disagree, as to the sadness of our condition, so it will be hard to find out any other way to secure us; and therefore I second the motion that was made by that worthy member, that a committee be appointed to bring in *a bill to disinherit James Duke of York.*

William
Harboud.

Mr. *Speaker*, Sir, I think we shall do ill to be meal-mouthed, when our throats are in such danger; therefore I will not be afraid to speak out, when speaking plain English is necessary to save our King and country. Have we not heard, and is it not apparently true, that peace and war, foreign alliances, meetings, dissolutions, and prorogations of Parliaments, trials at *Westminster-Hall*, resolutions in council, and other things of importance, have been influenced by a popish party, or interest? And can we, Sir, imagine that these great things should be done by a less man than *James Duke of York*? Hath not the examination of the plot, in which the King's life and all our safeties is so much concerned, been kept off to admiration, and the witnesses discouraged even to despair? Have not counter-plots been set up, and carried on with a strong hand, and false witnesses in abundance, to destroy the true ones? From what cause can such strange unheard of effects proceed, but from the power and influence of a popish successor? And we have no great reason to admire at it, if we consider how usual it is for politicians to be given to flattery, and to be led by ambition, and how natural it is for courtiers and great ministers of state to worship the rising sun. And, Sir, is it not easy to foresee what great miseries may come to this kingdom by such kind of managements? Can any man imagine, that as long
as

as there is a popish successor, there will not be a popish interest, and that by his assistance it shall not be strong enough to contest with the protestant interest? Or rather, have we not seen it for many years already? and how can it be otherways, as long as no office, small or great, is disposed of without his approbation; no, not so much as *preferment in our protestant church*? And I think, *unless you can destroy that in which the interest centers, you will never destroy the interest itself.*

Sir, I have no ill will for the Duke's person, but rather a great veneration, as he is descended from our past, and as brother to our present King. But I think it ought not to stand in competition with my duty to my King and country, which can never be safe as long as this interest is so predominate. And I think there is no other way to suppress it, but by going to the roots first: and therefore I agree in the motion that hath been made, for appointing a committee to bring in a bill to disinherit *James Duke of York.*

Mr. Speaker. Sir, I agree with those worthy *William Gees* members, that have spoke to this present business, that popery hath for a long time had a great influence in the management of our affairs; and that the protestant religion and government of the nation is much in danger thereby. But I hope that the prudence of this house may find out some expedient to secure the nation, more likely to be brought to perfection, than this of the exclusion Bill. We all know, that his Majesty in his speech at the opening of the session, and formerly, hath declared, that he will consent to any thing you shall offer for the security of the protestant religion: provided it consist with preserving the succession in the due legal course of descent. As his Majesty is gracious to us, so I know we are all willing to carry ourselves with all respects and duty to him; he

he offers you to consent to all other ways you can propose, but seems resolved not to consent to this way you are now upon. For my part, Sir, I am more afraid of an army without a General, than of a General without an army; and therefore I think, that if, instead of ordering a committee to bring in a bill for disinheriting of the Duke, you bring in a bill for banishing all the papists out of this nation, and other bills for the having of frequent Parliaments, and to secure good judges and justices, that so the Laws you have already, as well as what more you may make, may be duly executed, it may do as well, and be more likely to have good success. And therefore I would humbly move you, that we may try these other ways, and not offer to put this hardship upon his Majesty, seeing he hath declared against this bill, lest by displeasing his Majesty, we should interrupt all other affairs, which at this time may be very unfortunate to this nation, and our neighbours too. The eyes of christendom are upon the success of this meeting, and the peace, quietness, and honour of the nation much depends thereon; and therefore, if the going on with this bill should occasion a breach, (which for several reasons I am much afraid of) it may prove one of the greatest misfortunes that could befall us. Sir, moderation in all things will always become this house, but especially in a business of so high a nature. The Duke hath not yet been either heard or found guilty, how can we then answer the passing of so severe a sentence? We ought to be very careful in a business of this nature, that we do nothing but what we may be able to answer to the whole world. And therefore, Sir, I think that seeing his Majesty hath declared, that he will not agree with us in this bill, and other bills may be as effectual; I would humbly move you to think of some other way, and for that purpose to appoint a day to have it debated in a committee of the whole house.

Mr.

Mr. *Speaker*, Sir, I cannot agree with that ^{Sir Henry} worthy member that spoke last, and yet I have for-^{Capel.}merly given some proof that I have been for moderation, and God willing shall always be for it, when it may do good. In the two last Parliaments I did so argue for moderation, that many of my friends told me, that I had deserted the true interest of my King and country ; but as the loyalty which I pretend to derive from my birth, made me slight such surmises, so it shall always preponderate with me in all my actions. Sir, I am of opinion that this is a case, in which there is no room for moderation, if by moderation be meant the making of any other law for the security of our religion. Because, according to the best judgment I can make, upon a full consideration of the matter, all other bills that can be desired without this bill, will not prove effectual; but will *leave us in that unhappy condition, of contesting with the influence of a popish successor, during this King's life, and the power of a popish King hereafter.* Of what danger this may be to his Majesty's person at present, and the protestant religion for the future, I leave to every one to judge. It hath been said, that take away the army, and you need not fear the General ; but I say, that a General that hath the power of a King, will never want an army. And our condition is so bad, that I am afraid we shall not be safe, without being free of the General and army too ; which I think, Sir, as the case stands, we ought in prudence to do, or else I am afraid we shall give but a bad account to our country, of having done any thing to the purpose for the securing of our religion. And therefore I am of opinion you are under a necessity of having this bill brought in.

Mr. *Speaker*, Sir, I observe that the arguments ^{Silas Titus.} that have been offered against the bringing in of this bill,

bill, are grounded on his Majesty's Speech, and on a supposition that other bills may be as sufficient for our security, and more facilly obtained, seeing his Majesty hath so often declared, that he will not consent to altering the succession from its legal course of descent. Sir, the King calleth his Parliament to give him advice, and they cannot therein be restrained, but may give any advice which they think may be necessary for the security of his person and government. And it hath oftentimes happened, that Parliaments before now have many times offered such advice to the Kings of this nation, as have not been grateful to them at first, and yet, after mature deliberation, hath been well received, and found absolutely necessary. When *Clifford*, or who else it was, had perswaded his Majesty to grant a toleration in 1672, and to tell the Parliament in his speech then made to them, that he would stand by it, and make it good; yet that house of commons finding it of dangerous consequence, and humbly offering such their advice to his Majesty, he was pleased, notwithstanding the said speech, to cancel the said toleration. And if he had not, as we are in a bad case now, so we might have been in a worse then. For ought I know, if that house of commons had been so great courtiers, as not to have concerned themselves in that toleration, because of his Majesty's speech, the nation might have been ruined by papists before this. And I think we are now under as great danger, and I hope we shall not be less couragious, nor true hearted. If a man were sick of a plurisy, and nothing could save his life but bleeding, would it not be strange if his phyfician, after having pretended that he is hearty for his cure, should allow him all other remedies but bleeding? Nothing like this can be presumed of his Majesty, of whose wisdom and goodness we have had so great experience. And as to the second branch of the supposition, that
other

other laws may secure us as well, I have not heard any arguments offered to make it good, and I must confess I cannot apprehend there can be any. I am sure the experience of former times shews us the contrary. It is plain from them, that *popish princes have not thought themselves bound by any laws against the interest of that church; and our fore-fathers have found to their sorrow, that the strength of our laws were not sufficient to defend them against popish tyrannies.* For no prince of that religion ever yet thought himself bound to keep faith with heretics. After *Queen Mary* had seriously pledged her royal word to the *Suffolk* men, to allow them their religion, by which they became the greatest instruments of *putting the crown on her head*; did she not in return put *the crown of martyrdom on theirs*? All other laws that you can propose in this case, must be grounded on some trust or fidelity that must be reposed in that party, for which no argument can be given, but that they never kept any faith with heretics, and therefore that we may do well to try what they will do. This I might prove by a sad melancholy account of the massacres at *Piedmont, Paris, and Ireland*; but I suppose the history of them is well known to every one here, and therefore I will not trouble you therewith.

We are advised to be moderate, and I think we ought to be so; but I do not take moderation to be a prudent virtue in all cases that may happen. If I were fighting to save my life, and the lives of my wife and children, should I do it moderately? If I were riding on a road to save my throat from thieves, and I should be advised to ride moderately, lest I spoiled my horse, would not such advice seem strange at such a time? And so certainly would it be, if I were in a ship, (which may well be compared to a common-wealth,) and it were sinking, would not the advice to pump moderately, for fear of a fever, seem strange? But, Sir, I ad-

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mire, seeing moderation is so much talked of of late, and so much recommended, *Why there cannot be other objects found out, on whom to place it, as well as on the papists. I know not why it should not be as agreeable to christian charity, and more for the protestant interest at this time, because it may tend to union, to place it on the protestant dissenters, seeing we agree with most of them in points of faith, and only differ about a few ceremonies.* The moderatest and meekest man that ever was, seeing an *Egyptian* struggling with an *Israelite*, he slew the *Egyptian*; but at another time seeing an *Israelite* struggling with an *Israelite*, it is recorded in holy writ, he parted them, saying they were brethren. Of late many are at work to persuade us, that the Church hath no weapons but prayers and tears; this is a notion come up amongst us since the breaking out of the plot, and as far as I can observe, is only to hold good against popery, for against protestant dissenters we have always had, and can still find, other weapons. Sir, I will not trouble you farther, but conclude with my motion for bringing in of the bill.

H. made a speech reflecting on the Duke and Lord Clarendon, for making up the match for the King, as if they did it because they foresaw that the Queen would have no children, and particularly on the Duke, for the loss of my Lord Sandwich, for clearing of persons taken in the fire of London, the death of Sir Edmund-bury Godfrey, &c.

*Laurence
Hide,*

Mr. Speaker, Sir, I am sorry to see a matter of so great importance managed in this house with so much bitterness on the one hand, and with so much jesting and mirth on the other; I think it a serious thing we are about, and that more gravity would very well become, not only this house, but the subject of the debate also. It is to me very unpleasant, to hear a Prince,

Prince, that hath so well deserved of this nation, by fighting our battles, and so often appearing for us in war, so upbraided. I am apt to think he was far from being of opinion, the Queen would have no children, and that he scorned any of those other actions that have been laid to his charge; and therefore to hear such things said, is a great provocation. But being I know where I am, I will lay my hand upon my mouth. But I hope you will pardon me, if to comply with the obligation of nature, I declare my self much concerned to see the ashes of my dear father thus raked out of the dust, and to hear his memory blasted by an affirmation which cannot be proved: Because I am confident he was not guilty. He and his family suffered enough by his misfortunes, occasioned by dark interests and intrigues of state. Many think he was severely chastised while living; I am sorry to see that some others cannot spare him though dead. But for my comfort, I have heard that he was a good protestant, a good Chancellor, and that we have had worse ministers of state since. But I will not trouble you farther, but apply my self to the business under debate. Sir, I am of opinion, that the bringing in of this bill will be a great hindrance to the business of the nation, and not attain your end. And also I am concerned for the justice of the house; for though the Duke deserve great mortifications, because he hath given so great a suspicion of his being inclined to that religion, and I believe doth not expect to come now to the crown, on such terms as formerly, but with such limitations as may secure the protestant religion; yet I think it very hard for this house, to offer at so great a condemnation without hearing the person concerned, or having had any preceding process. For my own part, I make it a great question, whether it would be binding to him, or a great many other loyal persons of this nation; and if not, it may occasion hereafter a civil war. And without

any just fear, or cause; for the King may very well out-live the Duke, and then all that we are about would be unnecessary; and why should we, to prevent that which may never happen, attempt to do that which we can never answer, either to our King or country? I cannot apprehend that our case is so desperate, but that we may secure our selves some other way, without overturning foundations. I cannot fear a general without an army. By ridding our selves of all other papists, we may be safe, making such other laws to bind the Duke, as may be necessary, by the name of *James Duke of York*, which, and the small revenues which belong to the Crown, without the assistance of Parliaments, with such other laws as may be contrived, I humbly conceive may be sufficient for our security; and therefore it ought to be considered in a Committee of the whole house, that such as are for these expedients, may have more freedom of debate.

Silas Titus.

Mr. *Speaker*, Sir, I must beg your leave to speak again, according to the orders of the house, being reflected on. I can assure you, Sir, that what I have said upon this subject, is so far from proceeding from a merry, jolly humour, that it is rather from as great sorrow as ever my heart endured, being very sensible what dangers we have undergone, and what miseries we may hereafter suffer, by means of the Duke's being of this religion. I hope, Sir, that offences that proceed from natural infirmities, will always find a favourable construction in this house. If that honourable member that spoke last, had but considered, that all men have not that good fortune to be born, with such a grave, majestick, sober aspect as that, let them say what they will, it looks serious and weighty, he would not have been offended at my discourse; but, Sir, for the satisfaction of the house, that I am not in jest in this business,

business, I do declare, that I should be very sorry to be thus jested with my self.

Mr. *Speaker*, Sir, the question that ariseth from this debate is, whether we had best proceed by an extremity, or by expedients. For I look on this bill to be of the highest nature that ever was proposed in an house of Commons, and the greatest extremity imaginable, which I humbly conceive we ought not to proceed to, until we have made some trial of expedients, which will be very useful. For it will give a great satisfaction, not only to his Majesty, but to all other persons in general that are against this bill, by which the world will see that we were very cautious, how we offered at such an extremity, and that we did not do it, until we had found all other ways and means whatsoever insufficient. I must confess, Sir, I think such a bill would be against law and conscience, and that nothing less than an army will be necessary to support it; and therefore I humbly move you, that we may debate this business in a committee.

Mr. *Speaker*, Sir, I admire to hear that honourable member make a doubt as to the legality of this bill; certainly, Sir, our legislative power is unbounded, and we may offer to the Lords, and so to his Majesty, what bills we think good. And it can as little be doubted, that *the legislative power of the nation, KING, LORDS, and COMMONS,* should want a law to make laws; or that any laws should be against what laws they make. Otherways they cannot be legally opposed. And as I think it cannot be against law, so neither against conscience, unless it could be made out, that we ought in conscience to bring in popery. I should be very glad to hear any arguments to make good what hath been offered about expedients; but I am afraid, when they come to be examined to the bottom, they will be

found very insufficient, and that we may as well think of *catching a lion with a mouse trap*, as to *secure ourselves against popery by any laws without the exclusion bill*. Have we not to do with a sort of people, that cannot be bound by any law or contract whatsoever? Much less can their words or promises be depended on. Are they not under all the obligations that can be offered, from the temptations of this life, as of that to come, not to keep faith with heretics, but to break it when it may tend to the promoting of the catholick cause? And if laws cannot bind other persons, much less will it Princes that are of the catholick religion? Did they ever keep any league or contract that was made with protestants, longer than was necessary, in order to cut their throats? What use did the papists make in *Ireland* of the favours granted them by King *Charles I.* Did they not make use of it to the destruction of the protestants, by rising up in rebellion, and massacring 100,000? Sir, I see things go hard against popery, I know not what to say to it, but I am afraid that if we should be so infatuated, as to let it creep on more and more upon us, and at last let it *ascend the throne again*, that we shall soon have the same miserable fortune our fore-fathers had in *Queen Mary's days*, and be burnt in *Smithfield* for our indiscretion.

Sir, we are upon a business of as great importance as ever was debated within these walls; for either we must suppress popery, or be suppress'd by it. For although that interest do not look so big, as that of the protestants, yet I plainly see, that it hath wrought like a mole under ground for a long time, and that it hath eaten into our bowels, and will soon come to the vital parts of the protestant religion, and destroy it too, if great care be not taken, and that speedily. I hear some say, that our cares are needless at this time, because the King may out-live the Duke; which is as much as to say, there is no need

need of laws against popery, until we see whether we shall have occasion to make use of them or no. But they do not tell us, how we should be sure then to obtain them. I must confess such arguments are so far from weighing with me, as that they increase my fears, because it discovers a strange, easy, careless, indifferent humour among us protestants. Must our lives, liberties and religion depend upon may-bees? I hope it is not come to that yet: I am sure it will not consist with the prudence of this assembly to leave it so, but rather to endeavour to settle this matter upon such a foundation, as may (with as much probability as human things are capable of) secure us. I am of opinion, that such an engine may be contrived, as should give such a whirl to the popish interest, as that it should never rise up against us again; I know of no difficulty but the same which happened to *Archimedes*, where to fix it. And I am not altogether at a loss for that neither; for so long as we have a good King, I will not despair. And, Sir, I cannot fear any of those things that are objected against this bill, that it is against law, and therefore will occasion a civil war: *For my part, I never will fear a civil war in favour of idolatry, especially when we have gotten a law on our side to defend our religion.* Therefore I move you that the bill may be brought in.

Mr. Speaker, Sir, I have read in scripture of *one* Sir Thomas
Player. *man dying for a nation, but never of three nations dying for one man*; which is like to be our case. There hath been already so much said on this matter, and the reasons that have been given for the bringing in of the bill are so plain, that I should not have troubled you to have said any thing about it, but that I knew not how to have answered it to that great city for which I serve, not to have appeared in this business, in which the protestant religion is so much concerned. But, Sir, being I am up, I will
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beg leave to acquaint you, that I have been lately in company with a great many persons, where I have heard the Duke cried up, and the King so slighted, that I must confess they made me afraid, they had thoughts of acting over here what was lately done in *Portugal*. Believe it, Sir, many are very industrious to make an interest for the Duke; if we should not use our endeavours to keep up the King's interest, and that of the protestant religion, I am afraid they will be encouraged to embroil us in blood before we are aware of it. I have no patience to think of sitting still, while my throat is cutting; and therefore I pray, Sir, let us endeavour to have laws that may enable us to defend ourselves. And I know not how we can have any that are like to prove effectual, without this for excluding *James Duke of York*; and therefore I humbly move it may be brought in.

Evan Seys.

Mr. *Speaker*, Sir, I have by many years experience observed, that it is very agreeable to the custom, prudence, and justice of this house, to debate all things very well before a question is put, but especially of great importance. It hath formerly been thought a great thing, and hard to be born by some Princes, that any thing relating to the prerogative of the crown should be debated any where but in the privy council; and I have observed, that former Parliaments have done it with a great deal of tendernefs. And if so, well may a bill that tends to the alteration of the succession, pretend to the right of having a full and fair debate, which I hope this solemn assembly will not deny. Many being to take their resolutions from it in as great a point as ever was debated in a house of Commons, for which we shall be answerable to our own consciences, as well as to our King and country. It is these great considerations make me trouble you at this time, otherwise I might haply have been silent, because I am
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one of those that have been shot at by wind-guns, which have prejudiced my reputation; and therefore until I should have had an opportunity to vindicate my self, and to shew that I am an enemy both to popery and arbitrary government, I was more inclined to have been silent, and should not have troubled you, if the nature of this business had not laid on me a more than ordinary compulsion. I do not doubt but every one that sits here is willing to take notice of what arguments may be offered *pro* or *con*, it being the only way to pass a right judgment in this matter, which is very necessary, because what resolution you may take upon this debate, will be examined not only within his Majesty's dominions, but by most Princes and politicians in *Europe*. And therefore that you ground your resolution on such solid reason, that may endure the test of a plenary examination, will be very necessary for the securing the credit of this house, of which I know you are very tender.

Sir, I must confess I am very much against the bringing in of this bill; for I think it a very unfortunate thing, that whereas his Majesty hath prohibited but one thing only, that we should so soon fall upon it. I do not see there is any cause, why we should fear popery so much, as to make us run into such an extreme. We are assured there can be no danger during his Majesty's life, so upon an impartial examination, we shall find there can be no great reason to fear it after his death, though the Duke should out-live and succeed him, and be of that religion. Have we not had great experience of his love for this nation? Hath he not always squared his actions by the exactest rules of justice and moderation? Is there not a possibility of being of the church, and not of the court of *Rome*? Hath he not bred up his children in the protestant religion; and shewed a great respect for all persons of that profession? Would it not be a dangerous thing for him

him (I mean in point of interest) to offer at any such alteration of the religion established by law? Can any man imagine that it can be attempted, without great hazard of utterly destroying both himself and his family? And can so indiscreet an attempt be expected from a prince, so abounding in prudence and wisdom? But though we should resolve to have no moderation in our proceedings against papists, yet I hope we shall have some for our selves. It cannot be imagined that such a law will bind all here in *England*, any in *Scotland*; and it is disputed whether it will be binding in *Ireland*; so that in probability it will not only divide us amongst ourselves, but the three kingdoms one from the other, and occasion a miserable civil war. For it cannot be imagined, that the Duke will submit to it. And to disinherit him for his religion, is not only to act according to the popish principles, but to give cause for a war with all the catholick Princes in *Europe*; and that must occasion a standing army, from whom there will be more danger of popery and arbitrary government, than from a popish successor, or a popish King. Sir, It is very agreeable to the weight of the matter, and the usual proceedings of this house, that this business should be fully debated; and therefore I humbly move you it may be in a Committee.

Sir *Richard Graham*, made a long discourse, shewing the dangers and miseries of a civil war, by a large account of those between *York* and *Lancaster*. That this bill, if it should pass, would lay a foundation for such another. That it would not be binding either to *Scotland* or *Ireland*, and so consequently occasion a division between the three kingdoms, which had formerly been the occasion of wars and miseries, as well as our own divisions amongst our selves. Then gave an historical account, to make out how fatal divisions had proved to other nations, and instanced in *Theodosius*, and others. That he thought it absolutely necessary, (if this bill
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must be brought in,) to prevent a civil war, that the successor should be named; which would need a great deal of consideration; and if to debate business of smaller importance, it is usual for the house to resolve it self into a committee, how could it be answered, that it should not be done in a business of so great importance, that so expedients might be offered and debated, with more freedom and satisfaction than it was possible they could be in the house.

Mr. *Speaker*, Sir, I am of opinion, that expedients in politics are like Mountebanck-tricks in physic; as the one does seldom good to bodies natural, so not the other to bodies politic. Government is a weighty thing, and cannot be supported nor preserved but by such pillars as have neither flaws nor cracks, and placed on a sure foundation. And I am afraid, that all expedients will be found to have far different qualifications. I cannot foresee how the excluding of one person, who hath a right to the succession depending upon contingencies, upon such an account as this is, should occasion a civil war; but rather do think there is a great deal more danger, not only of a civil war, but of our religion and liberty too, if we should not do it, and so have a popish King. For I do believe, that such a King would soon have a popish council. For if there be eleven to seven now for the interest of a popish successor, what may you not expect when you have a popish King? *And should you not then soon have popish Judges, Justices, Deputy-lieutenants, commanders at sea and land, nay, and popish Bishops too. For if there be none put into any of those places now, that are for acting against a popish successor, well may we expect that none shall be put in then, but what are for a popish King.* And therefore I am astonished to hear any man, that pretends to be a protestant, argue, that in such a case we need not fear popery; for it is indeed to argue for popery, and must proceed from an opinion that the protestant interest is very low, and not able to bear up
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Sir William
Ponltney.

any longer against popery ; or else that protestants are very credulous and inconsiderate, and may be brought to destroy themselves with their own hands. Must our religion and liberty have no security but what depends on the virtues and goodness of a Prince, who will be in subjection to the pope, and probably influenced by none but jesuits and such creatures ? Will it seem strange that such a Prince should compose his privy council of persons inclined to that religion ; or that he should employ none others as Judges, Justices, Sheriffs, or Commanders in any place of trust either at land or sea ? And can we think that by the many endeavours which will be used, that the common people will not be debauched, and either be mis-led, or made indifferent in a little while ? Is it not in the power of the King to nominate his Councillors, Judges, Sheriffs, Commanders at sea and land ? And can it be imagined that he will not take care to nominate such as shall be for his turn ? Certainly, Sir, no man can imagine that the protestant religion can long be preserved under such a King, but such as cannot or will not see at a distance, what a change such a scheme of government will soon produce, and how likely it is that it will be set up and practised, if ever we should have a popish King. And as I do think that our religion can never be secured without this bill, so I do not fear that it will occasion any civil war, or any division between this kingdom, *Scotland*, or *Ireland* ; but rather, I believe it will be a means to reconcile the protestant interest, and to settle the government upon such a bottom as will prove invincible. In *Scotland*, the major part of the people hate popery as well as we, and so do the protestants in *Ireland* ; and therefore certainly it will be their interest to join with us against a common enemy, and not to divide. And whereas it hath been suggested, that this bill will engage us in a war against all catholic Princes, I look upon it as a bugbear, and do believe that we

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shall

shall gain many friends by being settled, as we may by having this bill; *because then we may be formidable to our enemies, and serviceable to our allies; but never without it.* And Sir, *this is not to disinherit a man for his religion, but because he hath rendered himself incapable to govern us, according to our laws, which, whether it proceed from his religion, or any thing else, is all one to us.* His being incapable, is the ground for our proceedings, having no other way to preserve our selves. Upon the whole matter I do conclude, that a popish King and a protestant religion are irreconcilable, and have no reason to fear a civil war, so long as we have a law for our defence, and a protestant King to head us; which we cannot expect, without passing some such bill as this under debate. And therefore I humbly move you it may be brought in.

Mr. *Speaker*, Sir, the business you are debating is *Daniel Finch* of so high a nature, that I cannot tell how to speak to it without fear and trembling. To go about to alter the succession of the crown, must be of great concernment to all *English-men*, and therefore ought to be considered with a great deal of deliberation, for which the justice, prudence, and usage of this house calls aloud, there never having been any business debated in this house, in which so much care was required. Sir, I am unsatisfied with my self, how we can in justice pass any such bill as is proposed; for I never heard of any law, which made an opinion in religion a cause to be dispossest'd of right; in former times it was not so, though there were Princes and Emperors that were apostates. And Queen *Elizabeth* would not allow of putting any such thing in practice, but rather chose to proceed against *Mary Queen of Scots*, according to the settled laws of the nation. This nation hath been so unfortunate as to cut off one King already, let us have a care how we cut off the right of another. There is
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a possibility that the Duke may return to the protestant religion, let us not exclude him from such temptations as may be convenient to reduce him. But whatever should be your resolution at last, I humbly conceive there can be no reason given, why a business of this weight should not be debated in a Committee, before you vote the bringing in of the bill, that so the validity of such other expedients as may be proposed, may be examined, and the reasons for and against this bill be digested as they ought to be. How shall we otherwise answer it to his Majesty, who hath offered you every thing but this? If there were a motion made for a bill to give money, would it not probably be debated in a Committee; by this bill we are going to give away the right of a Crown, which I take to be more than money; and therefore I humbly move you that it may be farther debated in a Committee.

Hugh Bos-
cawen.

Mr. *Speaker*, Have not the papists always proceeded against the protestants with a barbarity surmounting the worst of heathens? And must we be so mighty careful how we proceed to hinder them from ruling over us, as that we must stumble at every straw, and be afraid of every bush? A man that is in an house that is on fire, will leap out at a window, rather than be burnt. I do admire how any person, that doth know with what treachery and inhumanity the papists behaved themselves in the massacres of *Piedmont*, *Paris*, and *Ireland*; their cruelties in *Queen Mary's* days, lately on *Sir Edmund-bury Godfrey*, and what they had designed against the King, and all of us, can offer any thing to delay, much more to hinder what is so precisely necessary for the good of the King and kingdom; especially seeing in this we shall do nothing, but what may be justified by many laws and precedents. And if there were none, of which I know there are a great many that are liable to no objection; yet I take it,
That

That the law of Nature and self-preservation, would afford us sufficient arguments. I think the sun is not more visible at noon-day, than that the papists have a design to extirpate our religion; and that they have done great things in order thereto, even now while we live under the government of a protestant King, by some invisible power that hath strangely acted its part in favour of that interest, in all our councils and resolutions in affairs of greatest importance; and it is as plain that this is so; because there is a popish successor; and that their interest will never decline as long as there is such a successor, and the hopes of a popish King. And now, that by the watchful providence of God, these things have been made so plain to us; is it not strange, that any man should go about to persuade us to be so neglectful and inconsiderate, as to sit still and look on, while the papists are putting their chains about our arms, and ropes about our necks? which must be the consequence of permitting a popish King to ascend the throne; against which there can be no law to secure us but this. In *Edward* the sixth, and *Queen Mary*, and *Queen Elizabeth's* days, was not the religion of the Prince, the religion of the nation? Did not most of the privy counsellors, and great ministers of state, and some Bishops too, change with the times? Is it not customary for great men to insinuate and flatter their Princes, by being of their religion? On what must we ground our hopes of security, in such a case? On nothing, Sir, but on a civil war, which such a Prince must certainly occasion. But I do not fear it from this bill, but rather think it the only way to prevent it; *not doubting but that there will be people enough that will give obedience to it, sufficient to execute the law on such as may be refractory, if any, which can only be papists, and such as may be popishly affected.* The objections as to a civil war, and disobedience to this law, may as well be made against any other severe law that we
may

may attempt to make against papists ; and must we therefore let them all alone ? I hope we shall not be so inconsiderate ; but as we have discovered that their weapons are near our throats, so we shall not acquiesce in any thing less than what may secure us ; that so, if possible, we may not fall into the hands of such a bloody, merciless people ; which must infallibly be the consequence of having a popish King.

And, Sir, as we have much to say for the having of this bill ; so for not having our time lost by going into a Committee at this time about it. When the bill is brought in, there will be time enough to hear of other expedients, if any member will then offer any ; of which they will now have time to consider, that so they may be offered particularly, and not only in general. For it doth not consist with the gravity of the house, that they should be put out of the method they are most inclined to, without good Cause. I am afraid there can be no expedients offered in this case, that can be sufficient ; unless such as may shake the throne as to all future Kings. And I hope we shall be cautious how we enter into any such debate ; for if you should, you may be sure your enemies will take advantage thereof. And therefore I am rather for the bill.

Mr. John
Trenchard.

Mr. *Speaker*, Sir, have not popish Kings, as well in other countries as here, always brought in a popish religion ? And have we any reason to suppose the like will not happen here, if ever we should have a King of that religion ? have we not undeniable proof, that the great thing designed, by endeavouring at a popish King, is the rooting out of heresy out of these three nations ? And is not *Rome* and *France* engaged to give their assistance therein, as well as the great parties at home, not only of profest papists, but of some who profess themselves protestants, but are so but in masquerade ? And do they

they not say, that they have so clenched and rivetted their interest, as that God nor man cannot prevent their accomplishing their design? And shall we be so indiscreet as to let it creep on thus upon us, and not endeavour to remedy ourselves? Let it never be said of this *house of Commons*, that they were so stupified or negligent of their duty to their country; or so indifferent in their religion, or preservation of their liberties, as to forget so great a concern. If when we have done what we can, we should be conquered by force, or deceived by such little arts and tricks as may be used, a patient submission to God's providence must follow. But to be the occasion of our own destruction, by being supine and inconsiderate, will never be answered to posterity.

He then justified the legality of the bill, by a long catalogue of precedents; making out, that the succession of the crown had been oftentimes altered by act of Parliament upon less occasions than this; and concluded with a motion for bringing in of the bill.

Resolved, That a bill be brought in, to disable the Duke of York to inherit the imperial crown of the realm.

The 4th of November, 1680.

A Bill to disable James Duke of York, to inherit the imperial crowns of England and Ireland, and the dominions thereunto belonging, was read the first time.

Mr. Speaker, I have spent much of my time in studying the laws of this land; and I pretend to know something of the laws of foreign countries, as

Sir L. Jenkins.

well as of our own : And I have, upon this occasion well considered of them ; but cannot find how we can justify the passing of this bill, rather much against it.

First, I think it is contrary to natural justice, that we should proceed to condemnation, not only before conviction, but before we have heard the party, or examined any witnesses about him ; I am sure none in his defence. And to do this, by making a new law on purpose, when you have old laws in being, that have appointed a punishment to his crime, I humbly conceive, is very severe ; and contrary to the usual proceedings of this house, and the birth-right of every *Englishman*.

Secondly, I think it is contrary to the principles of our religion, that we should dispossess a man of his right, because he differs in point of Faith. For it is not agreed by all, that dominion is founded in grace. For my part, I think there is more of popery in this bill, than there can possibly be in the nation without it ; for none but papists, and *fifth-monarchy-men*, did ever go about to disinherit men for their religion.

Thirdly, I am of opinion, that the Kings of *England* have their right from God alone ; and that no power on earth can deprive them of it. And I hope this house will not attempt to do any thing, which is so precisely contrary, not only to the law of God, but the law of the land too. For if this bill should pass, it would change the essence of the monarchy, and make the crown elective. For by the same reason that this Parliament may disinherit this Prince for his religion ; other Parliaments may disinherit another, upon some other pretence which they may suggest ; and so consequently, by such exclusions, elect whom they please.

Fourthly,

Fourthly, It is against the oath of allegiance, taken in its own sense, without jesuitical evasions. For by binding all persons to the King, his heirs and successors, the Duke, as presumptive heir, must be understood. And I am of opinion, it cannot be dispensed withal. Sir, I will be very cautious how I dispute the power of Parliaments, I know the legislative power is very great, and it ought to be so. But yet I am of opinion, that Parliaments cannot disinherit the heir of the crown; and that if such an act should pass, it would be invalid in itself. And therefore I hope it will not seem strange, that I should offer my judgment against this bill, while it is in debate; in which I think I do that which is my duty, as a member of this house.

Henry the fourth of *France* was a protestant, his people most papists, who used some endeavours to prevent his coming to the crown; but when they found they were not like to perfect their design, without occasioning a civil war, they desisted; concluding, that a civil war would probably bring on them more misery than a King of a different religion, and therefore submitted. Sir, I hope we shall not permit our passion to guide us instead of reason; and therefore I humbly move you to throw out the bill.

Mr. *Speaker*, Sir, The honourable member that *Ralph Montague* spoke last may understand very much of the laws of other countries, and foreign affairs; but I am apt to think, not much of the laws of this nation; or else he would not argue, that this is a popish bill, when it is the only thing that can save his King and kingdom, and the protestant religion; which I hope will never come to that extremity, as to need any thing that is popish to save it. For my part, I am so far from thinking that this bill is so unreasonable as hath been argued, that I think this

house of Commons will get as much credit by passing of this bill, as that in 1660 did, by passing that which brought home the King. *For as the one restored him; so the other may preserve him, and nothing less.* And therefore, I think, Sir, you ought not to delay the giving it a second reading, but appoint a speedy day for it.

John Hampden.

Mr. Speaker, Sir, I do not understand how it can be construed, because we go about to disinherit the Duke, that therefore it must be for his religion. For my part, I do approve of the bill; but it is because the opinions and principles of the papists tend to the alteration of the government and religion of this nation; and the introducing, instead thereof, of superstition and idolatry, and a foreign arbitrary power: If it were not for that, I am apt to think, the Duke's being a papist would not be thought a sufficient cause for this house to spend time about this bill. And I cannot see the danger of reducing the government to be elective by it; for why should we presume that any thing but the like cause should have the like effect; *Though the succession of the crown hath been formerly often changed by acts of Parliament; yet hitherto it hath not made the crown elective; why must we fear it now?* Neither can I apprehend, that the passing of this bill is contrary to natural Justice; because we have not heard what the Duke hath to say for himself. The precedents that might be offered to make out, that the Parliaments have, when they thought good, condemned persons by bill, are numerous, and without any hearing too. But if there were none, to doubt the power of the legislative authority of the nation in that or any other case, is to suppose such a weakness in our government, so inconsistent with the prudence of our ancestors, and common reason, as cannot well be imagined. And I do not think we are about going to do any such
strange

strange thing neither, but what would be done in other countries upon the like occasion; but do believe, that if the *Dauphin* of *France*, or *Infant* of *Spain*, were protestants, and had, for near 20 years together, endeavoured the setting up of another interest and religion, contrary to the interest of those Kings, and the catholick religion; especially if such endeavours had been accompanied with such success as here, and those nations had been so often, by such means, reduced so near to ruin, as we have been, by divisions, tolerations, burnings, plots, and sham-plots at home, and by wars and foreign alliances, overruled in their favour abroad; but that they would have been more impatient than we have been for this remedy. And for my own part, I cannot but admire more at the long delay there hath been, in seeking out a remedy against this great evil, than at our offering at this bill. For, notwithstanding what hath been said, I cannot think our danger so remote or uncertain, as some would suppose it. *Can the King be safe, as long as the papists know that there is nothing but his life stands in their way, of having a King to their mind? which is the only thing they want, to go on with their designs and to accomplish their expectations.* Will it then be an easy thing to withstand such an enraged, barbarous people? The more false and unreasonable their religion is, the more cruelty will be necessary to establish it. Can it be imagined we shall not pay severely, for having shed so much blood of their martyrs, as they call them, and for having enjoyed their holy church-land so long? or that they will not do all that they shall think necessary, to secure an entire and quiet possession to themselves? For my own part, I cannot imagine that the pride of those church-men will be satisfied with any thing less, than an utter ruin and extirpation of us and our posterities. And I think that nothing can save us but

this exclusion-bill; and therefore I humbly move you to appoint a speedy day for a second reading.

Resolved, *That the said bill be read a second time, on Saturday morning at ten of the clock.*

The 6th of November, 1680.

A Bill to disable *James*, Duke of York, to inherit the imperial crown of *England* and *Ireland*, was read a second time.

Sir *Richard Temple* made several objections against the tenour of the bill, as not answering the intention of the house; shewing how (if not altered) it would occasion an *inter-regnum*; and that the clause for limiting the exclusion to the person of the Duke only, was not well drawn.

Sir *Leoline Jenkins*.

Mr. *Speaker*, In my humble opinion, the body and whole tenour of this bill carrieth with it a great reflection on the whole *English* nation. For to suppose that one person is able to turn us about to popery, is to suppose that we are either very imprudent, or irresolute, or that we have no great love to, but are rather very indifferent in our religion. And if we may thus disinherit the presumptive heir, not only the royal family, but the whole nation, will be subject, by such a precedent, to many inconveniences. For by the same reasons the like may be done hereafter upon any other pretence. For, Sir, though we know that this house is composed of persons, that have a great veneration for the *Royal Family*; yet we know not what may happen hereafter: But if some such bill as this must pass, I humbly conceive there is a great necessity of naming a successor, and not leave that in dispute, lest an *inter-regnum*, or civil war, happen thereupon.

Henry Booth.

Mr. *Speaker*, Sir, because I am of opinion, that nothing can, at this time, be so prejudicial to the protestant

protestant interest, as to be at a stand, or go backward with this bill; therefore I should be sorry to see that we should enter upon any debate, of clogging it with any thing that may occasion any delay. There may be more difficulty in agreeing about the provisos and declarations, that will be necessary in naming a successor, than to agree about the bill itself. And we cannot make the law plainer than it is in that case. We intend by this bill nothing but an exclusion of *James Duke of York*, as the only expedient that can help us in the exigency the nation lies under; and it being intended only as an expedient in reference to him only; and that the bill shall have nothing in it that can relate to, or prejudice the next of kin; I do not see how there ariseth from that, any difficulty more than there was before, as to the succession. And therefore, Sir, let us not confound the bill with needless additions. I confess, Sir, I am one of those that am in pain until this bill be past. For the King hath his breath in his nostrils, as well as other men; and although we have all much reason to pray for his long life, so to fear it too: And nothing can tend so much to the securing of his life, as the passing of this bill; nor ours after his. For how shall we be able to defend ourselves against popery without it? Therefore I humbly move you, that we may not spend our time about any such additions, but commit the bill.

Mr. *Speaker*, Sir, I have already given you many reasons against the bill itself, but more do offer from the wording of it. The excluding the Duke will not give a right to the next heir, to take possession of the crown while the Duke is living; and therefore unless you name a successor, it will either prove ineffectual, or cause a great disturbance in the nation, by an inter-regnum. And, Sir, as this part of the bill is too weak, so the other is too strong:

*Daniel
Finch.*

For, as it is now penned, it may probably exclude all the Duke's children, at leastwise leave it so, as that it may prove a great question, which I suppose you do not intend. Then he stated several cases in law, to prove what he had said; and concluded, that it was in order to have it farther considered at a Committee.

Silas Titus.

Mr. *Speaker*, Sir, I do not see how you can name a successor, unless you can in the same act prohibit the Queen from having of children, the King from marrying again, the Duke from having of sons, which would not be more preposterous, than the many proviso's which otherwise the act would require, to secure such issue their right; which would probably make the remedy worse than the disease. And I think, Sir, that in a case of this importance, you will be careful how you make laws, that shall be liable to so many difficulties and disputes. And therefore you had better rely on the old laws you have, than make new ones to perplex the case. And I do not see how the excluding of the Duke only can any way infect the right which his children may have to the succession. And therefore I think there is no need of naming a successor; but let the bill be committed, and to a Committee of the whole house; and there it may be farther debated, if necessary.

Sir Roger Hill.

Mr. *Speaker*, Sir, I tremble to hear so much discourse about the King's death, and naming him a successor; certainly the like was never known in any former age, but rather it was looked on as so dangerous a thing to be discoursed of, as that none durst attempt it, whatever the occasion were. Queen *Elizabeth* concluded, that the naming of a successor to the crown, would be digging a grave for her; and therefore I hope we shall never go so far as to put it into an act. I am for shewing a great respect
for

for the Duke, and his children; but I think we are first bound in duty to the King; and therefore ought first to shew our respects to him. *Some persons, in my poor opinion, have shewed so much zeal for the Duke's interest, that I am afraid they have forgot their allegiance to the King.* Can he ever be safe, as long as it is the interest of every papist in *England* to kill him? Which it will be, as long as there is hopes of a papist to succeed to the throne. And therefore I think we cannot answer the permitting of any delay in an affair of so great importance; and I humbly move you, that the bill may be committed, and that all may have liberty to be concerned therein, in a committee of the whole house.

Resolved, That the bill be committed to a committee of the whole house. That it be an instruction to the said committee, that the exclusion in the said bill do extend to the person of James Duke of York only.

That this house do resolve into a committee of the whole house on Monday morning next, at ten of the clock, to proceed to the consideration of the said bill.

The 8th of November.

THE House then resolved into a committee of the whole house, to proceed in the consideration of the bill, to disable *James Duke of York*, to inherit the imperial crowns of *England* and *Ireland*, and the dominions and territories thereunto belonging; and after many debates about several amendments, and clauses to be added, the bill was agreed, and reported to the house.

Resolved, That the said bill, with the several clauses and amendments, be engrossed.

The

The 9th of November, 1680.

A Petition from the Bayliffs, Wardens, and Assistants, of the company of silk-weavers, was read.

Mr. John
Basset.

Mr. Speaker, Sir, this petition branches it self, *First*, Against the bill that is here afoot, for wearing of woollen; *Secondly*, Against the importation of foreign silks from *France*: And *Thirdly*, Against the *East-India* company. As to the two first particulars, I shall desire leave to speak my mind, when the business comes to be debated in the Committee to which you may think good to refer it. But as to the third branch, against the *East-India* company, I desire to be heard a little at this time; for, Sir, it will be in vain for you to spend your time in endeavouring to raise the price of wool, or to advantage the trade of the nation any way, unless you do, in the first place, make some regulation for the *East-India* trade. For not only the silk-weavers, but most of the other trades of this nation, are prejudiced by the consumption of goods manufactured in the *East-India*, and brought hither: For a great many of them are not only spent here, instead of our own manufacturies, but abroad in other parts, to which we send them. They do us such prejudice, as must, in the end, be the destruction of our manufactory trade, both at home and abroad, if not looked after; and the more likely, because the people in the *India* are such slaves, as to work for less than a penny a day; whereas ours here will not work under a shilling; and they have all materials also very reasonable, and are thereby enabled to make their goods so cheap, as it will be impossible for our people here to contend with them. And therefore, because the said trade hath abundantly increased of late years, that we may
not

not enrich the *Indians*, and impoverish our own people, I humbly move you, that this petition may be referred to some Committee that may take particular care of it.

Mr. *Speaker*, Sir, The navigation to the *East-India*, being, by the industry and long experience of our sea-men, rendred as safe and secure as to any country adjacent; and the trade increased to a great proportion, by such a dangerous way as the exportation of our bullion, and importation of abundance of manufactured goods, and superfluous commodities; and carried on by a few men incorporated, who have made it their business, by all ways imaginable, to secure the advantages thereof to themselves, and their posterities, not permitting the people in general to come in for any share; I humbly conceive it may not be unseasonable to give you a short scheme of that trade; and to make some remarks as well on the trade, as the present management thereof; it being settled in a company, by virtue of a charter granted 1657, and confirmed by his Majesty, soon after his restoration.

Sir, It is well known what advantage redounds to this nation, by the consumption of our manufactures abroad and at home; and how our fore-fathers have always discouraged such trades as tended to the hindrance thereof. By the best computation that can be made, we now spend in this kingdom *per Annum* to the value of 2 or 300,000*l.* worth of goods manufactured in the *East-India*: What part thereof are spent instead of our stuff, serges, cheneys, and other goods, I leave to every man's judgment, that hath observed how their *Persian* silks, bengalls, printed and painted calicoes, and other sorts are used for beds, hanging of rooms, and vestments of all sorts. And these goods from the *India*, do not only hinder the expence of our woollen goods, by serving instead

stead of them here; but also by hindring the consumption of them in other parts too, to which we export them; and by obstructing the expence of linen and silks, which we formerly purchased from our neighbour-nations, in return of our manufactures. For when that mutual conveniency of taking off their goods in return of ours failed, it is found by experience, that our trade in our manufactures is failed also: And, Sir, this is not only at present a great, but a growing hindrance to the expence of our woollen goods; for, as it hath been observed to you, being the *Indians* do work for less than a penny a day, and are not without materials at cheap rates, we may rather tremble to think, than easily calculate, what this trade may in time amount to; and may conclude, that it must certainly end in employing and enriching the people in the *India*, and impoverishing of our own.

But, Sir, this is not all: This trade is carried on by the exportation of 5 or 600,000 *l. per Annum* in bullion; which is so useful a commodity, as ought not to be exported in so great a quantity, especially seeing the exportation thereof hath increased in some years from 200,000 *l. per Annum*, to 600,000 *l. per Annum*: For it may increase to millions, to the discouragement of the exportation of the products of our country; upon which the maintenance of our poor, and rent of land, depends. Whereas by the exportation of so much bullion, no immediate advantage redounds to the nation; and though it is usually affirmed, that the trade brings back to the nation as much money as it exports, yet upon an inquiry it will be found a mistake. And I think every nation, but especially this, (which is so well stored with other commodities for trade) ought to be very jealous of a trade, carried on by the exportation of their gold and silver, and to be very careful how to allow it, it being dangerous to make

make that, which is the standard of trade, merchandise it self.

And as these objections arise against the trade it self, so there are others against the present management, of which the people do complain as a great grievance; and I humbly conceive, not without good cause. For the equal distribution of liberties and privileges among the people, which is one of the excellencies of the government, is by this company highly infringed, a very few of the people being permitted to have any share in this trade, though it be now encreased to near one quarter part of the trade of the nation; the company finding it more for their particular advantage to take up from 6 to 700,000*l.* on a common sale, to carry on their trade, than to enlarge their stock; thereby reaping to themselves not only the gains which they make on their own money, but of the treasure of the nation; allowing to them that lend, four or five *per cent.* and dividing amongst themselves what they please, which now within these last 12 or 15 months, hath been 90 *per cent.* And upon an exact enquiry it will be found, that this stock is so ingrossed, that about ten or twelve men have the absolute management, and that about forty divide the major part of the gains, which this last year hath been to some one man 20, to others 10,000*l.* apiece. So that here is the certain effect of a monopoly, to enrich some few, and impoverish many.

It's true, there is such a thing as buying and selling some small shares in the stocks sometimes, if any man will give 300*l.* in money for 100*l.* stock; but this amounts to no more than exchanging the interest of *John Doe* for *Thomas Roe*, and can be no ways serviceable to bring in more stock or people into the trade, and therefore not to satisfy the complaint of the nation.

Sir, that you may the better apprehend how unreasonable it is, that this great trade should be thus
confined

confined to the advantage of so few persons, exclusive to all others, under the penalty of mulcts, fines, seizures, and other extraordinary proceedings, I beseech you, Sir, to cast your thoughts on this great body here by you, and the rest of the corporations of this nation, who mostly live by trade, and consider how many thousands, if not millions, there are, whose lot providence hath cast on trade for their livelihoods; and then, I am apt to believe, it will appear very strange that so great a trade should be so limited. If three such charters more should be granted, what should the major part of the people do for maintenance? Sir, The birth-right of every *English-man* is always tenderly considered in this place: By this company the birth-right of many thousands is prejudiced, and may well deserve a serious consideration; and therefore, and because this company, by having the command of the treasure of the nation, cannot be controlled by any less power than that of a house of Commons, this business comes, as I humbly conceive, naturally before you.

But, Sir, there is one thing more in the management of this trade worthy your consideration: The great danger which may result, as well to private persons as to the publick, by taking up such an immense treasure on a common sale. Sir, we all know what happened some years since, by the bankers taking up such great sums on their private sales, how it proved a temptation for the committing of a great violation on the subjects property, which in all probability preceding Parliaments would have prevented if they had foreseen; though I hope there is no danger that the like will ever be done again; yet, Sir, you may do well to secure it, either by making some vote, if not a law, to prevent it. And I am the more forward to move you herein; because I have heard, since I had the honour to sit within these walls, that in the late long Parliament there were

Members

Members who, by voting for money, got shares to themselves. I have a good opinion of these gentlemen that at present have the management of the trade, but if a few such persons as I have mentioned should succeed them, with the same privilege that these have, of taking up what money they please on a common sale, to what danger might the treasure of this nation be reduced, and how might it not be disposed of, by dividends, loans, or other ways? The taking up of so vast a treasure on a common sale, must be attended with great danger; and therefore as well for that as for the other reasons alledged, I hope you will take this affair into your speedy consideration, that so some remedies may be applied hereto.

Mr. *Speaker*, Sir, by the account which hath been given you of the *East-India* trade, I doubt not but you are sensible, how that it will in time ruin a great part of the trade of our manufactures, if not prevented. The *East-India Company* have been very industrious to promote their own trade, but therein have given a great blow to the trade of the nation.

The *Indians* knew little of dying goods, or ordering them, so as to be fit for our *European-Markets*, untill the *Company* sent from hence *Englishmen* to teach them, which I am afraid this nation will have cause to repent hereafter. For the cheapness of wages and materials in the *Indies* must enable the *Indians* to afford their manufactured goods cheaper than any we can make here; and therefore it is probable the trade will increase prodigiously; which may be a good motive for you to take into your consideration that part of it, in which the consumption of our manufactures is concerned. They have already spoiled the *Italian* and *Flanders* trade, with their *Silks* and *Calicoes*; now they will endeavour to spoil the *Turkish* trade, by bringing abundance of raw silk from the *Indies*. So that ere long we shall have no need of having
silk

Mr. William
Love.

silk from Turkey; and if not, I am sure we shall not be able to send any cloths or other goods there. And it cannot be expected, that the Indians should grow weary of exchanging their manufactured goods for our gold and silver, nor the Company of the great gains they make by their trade; and therefore unless prevented by your care, the trade will go on to your prejudice; the company having been industrious to secure themselves against all other attempts, by new-years-gifts, imploying of some men's money at interest, and getting others into the company, and then chusing them of the committee, though they understand no more of the trade, than I do of physick; also naming of ships by great men's names is made use of for the said purpose, and oaths which they impose on all persons they imploy in any business of importance, so that there is no ordinary way left to reach them. Therefore, Sir, I hope you will refer the business to some committee that may make you a speedy report.

Resolved, That the said petition be referred to the grand committee for trade, and they are to proceed upon the same in the first place, and they are then likewise to consider of the present state of the East-India company, and to report the same, with their opinions thereon, to the house.

The 10th of November, 1680.

His Majesty's message to the house was read.

‘ **H**IS Majesty desires this house, as well for
 ‘ the satisfaction of his people, as of himself,
 ‘ to expedite such matters as are depending before
 ‘ them, relating to popery and the plot; and
 ‘ would have them rest assured, that all remedies
 ‘ they can tender to his Majesty, conducing to these
 ‘ ends, shall be very acceptable to him, provided
 ‘ they

‘ they be such as may consist with preserving the
‘ succession of the crown in its legal course of de-
‘ scent.

Mr. *Speaker*, Sir, I look on all his Majesty's *Henry Booth* speeches to Parliaments, and messages to this house, to be acts of state, and the results of serious councils; and therefore the more deserving our consideration; but also I think we may in some respects look on them as we do on letters patents, or other grants in the King's name; if in them there be any thing against law, the lawyer or Officer that drew them is answerable for it. So if his speeches be the product of council, if there be any mistake in them, it must be imputed to the council, and we may and ought to conclude the King never said it, for he can do no wrong. I cannot, sir, but much admire what neglect of ours, as to popery and the plot, hath occasioned this message. Hath not most of our time been spent about examination of witnesses about the plot, and in making inspections into the proceedings of the last Parliaments as to their transactions about it, that so we may proceed upon such grounds as we ought? Hath there any day past, in which we have not done something as to the plot and popery, besides what we have done about the Duke's bill? *Which alone is sufficient proof of our endeavours to discover the plot and popery, because it plainly appears that all the plot centers in him, and that we can never prevent popery, but by preventing that power to rule, which is derived from a popish successor, and the having of a popish King.* It is true, we have spent some time also, in asserting the right of the people to petition the King for Parliaments, or other grievances; but I do not take that to be so remote to this affair; for can the plot ever be searched to the bottom, or popery prevented, as our case stands, but by Parliaments? And seeing there were so many proroga-

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tions of this Parliament, when there were occasions so urgent for their sitting, in order to search the plot to the bottom, and to make laws against popery, have we not great reason to believe, that it was from that party that such strange endeavours were used to prevent the meeting of Parliaments, from whom they know that nothing but ruin can attend them? Do we not see, by *Coleman's* letters, what contrivances they always had for to manage the meetings, sittings, prorogations, and dissolutions of Parliaments? And why should we not believe they exercise the same arts still? Seeing it is plain that the dissolutions of the last two Parliaments, and many prorogations of this, did not proceed from any protestant interest; and therefore well may we conclude from whom. And for the same reason that they fear Parliaments, have not the people reason to be fond of them, being the only legal way to redress grievances? And could we have answered the neglecting of the asserting our rights in that particular? Sir, I think that, next to the Duke's bill, the asserting of the people's right to petition, is the most necessary affair we could have spent our time about, in order to have the plot examined to the bottom, by conveying to his Majesty the desires of his people, for to have Parliaments sit in order thereto. And therefore I am jealous that the advice given for this message doth proceed rather from a fear that we are doing too much, than from our doing too little against popery. However, Sir, seeing the message comes in his Majesty's name, let us, according to our duty, give all the compliance we can to it; and therefore I humbly move you, that a message be sent to the lords, to desire them to appoint a day for the trial of *William viscount Stafford*.

John Hamp-

Mr. *Speaker*, Sir, I cannot but observe, that his Majesty in his speech made to us at the opening of this

this session, recommended to us the examination of the plot, and the making laws for the security of the protestant religion, which is not yet above twenty days ago. And therefore it is very strange, in my opinion, that we should so soon receive another message to the same purpose, especially considering how we have spent our time ever since our meeting, in that which we have reason to think tends as much to the preventing of popery, as any thing we could invent. The truth is, Sir, I am fully persuaded, that the advice for this message proceeds from the same men that advised the dissolution of the two last Parliaments, and the many prorogations of this; for though it may look like a contradiction, that going fast or going slow should tend to one and the same end, yet it doth so in this case; for by the dissolutions of those Parliaments, and many prorogations of this, time was gotten for the disheartning of some witnesses, and tampering with others, and the death of the most material one; and now, by pressing upon this Parliament to make great haste, other witnesses may be prevented from coming in, for which his Majesty hath declared he will give two months time by his proclamation. So that it plainly appears, that the farther examination of the plot must be prevented some way, if they can do it, and that rather than fail, your endeavours to go to the bottom of the plot shall be turned upon you, and made use of to their advantage. *It is strange, that now fourteen days should seem too much to have the examination of the plot neglected, (supposing it had been so) and the fourteen months last past, or rather two years, not thought so.* Sir, we are under great difficulties, and therefore we must be careful what we do. By the contents of this message we may plainly see, that our enemies are at work to represent our proceedings ill to the King, that so if possible there may be some plausible pretence found out

that may serve to gull the people, if they should procure a dissolution. But I hope his Majesty will not hearken to such advice; in order to prevent it, let us, until we have an opportunity to express our duty to him by actions, do it by words, to satisfy him, that we have spent most of our time in examining the plot, and in contriving how to secure his person and government against the dangers arising from popery; and to assure him, that we will lose no time till we have done what lies in our power in order thereto; and that we may withal give some farther instance of our endeavours, let us vote that we will immediately proceed to the trial of my Lord *Viscount Stafford*.

*William
Harboord.*

Mr. *Speaker*, Sir, I am well content to understand that part of the speech, which recommends to us a speedy examination of the plot, to proceed from his Majesty's goodness, on a supposition that he is now more sensible than ever, of the danger his person and government is in by papists. And I hope it is from that, and not from any other reason, that he hath been pleased to send us this message so soon after his speech, notwithstanding our endeavours as to the plot and popery. But, Sir, what I am most concerned at, is the latter part of the speech, that about the succession; for it looks like the difficulty that was put upon the *Israelites*, of making bricks without straw. For seeing all the discoveries about the plot make it clearly out, that it all centers in the Duke of York, and that all their hopes is derived from a popish successor, and expectation of a popish King, how can we do any thing that can be effectual in pursuance of the first part of that proposition, without contradicting the latter, it being impossible to secure the protestant religion under such limitations? However, Sir, I hope that none of these things will put the house out of that temper and moderation which becomes this place; for I hope that at last

last his Majesty will either convince us, or to be advised by us, that so we may come to a fair understanding, and this session have a happy conclusion. Let us be careful not to give our enemies any just advantage to misrepresent us: And then I hope all will do well at last, maugre all the endeavours of our back friends. That we do vote that we will proceed to trial of some of the Lords, and appoint a Committee to draw up an address in answer to this message, upon the debate of the house, is, I conceive, what is necessary at this time.

Mr. *Speaker*, Sir, his Majesty's message is a *Silas Titus* tacit reprehension of this house, for not having done their duty as to the plot and popery. And as well by this message, as by his speech at the opening of the session, he doth now seem much concerned, that the examination of the Plot, and the securing of the nation against the danger of popery, hath been so long deferred; for my part I think he hath a great deal of reason for what he saith, and I am glad to hear it. For I hope he is now truly sensible what strange advice he followed in dissolving the last Parliaments, and so often proroguing this; and that he will now permit the Parliament to sit, until they have done their duty in that particular. But, Sir, though his Majesty may now be very sensible of the miscarriages there have been in the management of this business already, yet I think we may not do amiss (seeing his Majesty hath given us this occasion) to particularise to him, how the examination of the plot, and the securing us against popery, hath been prevented. Sir, was not the late long Parliament, after the plot broke out, in a fair way to have tried the Lords, and to have examined the plot to the bottom? And did not the dissolution of them frustrate all their proceedings? Did not the next Parliament fall upon the same subject, and were they not advanced very far towards it? And did not the pro-

rogation and dissolution come, and make all void? Hath this Parliament, though called to meet the 17th of *October* was twelve months, ever sat till now? And have they not ever since their meeting employed most of their time about the plot and popery? And can there lie any just complaints against us? The truth is, Sir, it is plain to me, that if this message proceeds from his Majesty's own judgment, as I hope it doth; (for how can it be presumed that his Majesty should not see how we proceed against the plot and popery as well as every body else,) or if it proceed from such counsel, as do really intend we should do something against popery, then we may be permitted to sit until we have done something for the security of our religion, and good of our country; but on the other side, if this message do proceed from the same counsel that advised the dissolutions of the last Parliaments, and many prorogations of this, then we may take it as a clear discovery, that there are persons at work to represent us ill to the King, and to find some pretence for our dissolution, as may pass with the people; and such I take to be enemies both to the King and Kingdom, and therefore hope you will take a time to find them out, and proceed against them as they deserve. In the mean time, I second the motion that hath been made, for a Committee to draw up an answer to this address, and for making a vote in order to try my Lord *Stafford*.

Sir Francis
Winnington.

Mr. *Speaker*, Sir, though I know that we are under an obligation from duty to make a good construction of all his Majesty's speeches and messages to this house, yet because they generally do proceed from some advice and counsel taken on such occasions, therefore, I think, we may without offence, when any thing is irreconcilable in them, attribute it to the ministers; though all that which is good, and agreeable to that wisdom and prudence which is inherent

inherent in his Majesty, ought to be attributed to himself; and, as the case stands with us, I think only from him can it proceed. What is said in this message, that neither his Majesty nor the people can be satisfied, unless we expedite such matters as relate to the plot, I believe it proceeds from his Majesty's own genius, it being so agreeable to that love which he hath always professed for the protestant religion; but that tacit imputation that we have neglected the examination of the plot, and proceedings against popery, appears to me like a kind of infatuation in those ministers that advised it. For, Sir, is there any thing more obvious, than that this Parliament have spent most of their time in matters relating to the plot and popery, and to make such laws as may prevent the coming in of popery upon us? And did not both the last Parliaments do the same, from the time the plot broke out? And if I may take the liberty to prophesy, I am apt to think, that the next, and the next, will proceed in the same steps, until such laws be made as are precisely necessary for the hindring of popery from coming in upon us: And I pray God it may not be a cause why we shall have no Parliaments to sit and act for a while. But, Sir, as this is plain, so to our grief it is, that there are those about the King in great power, that are against the examination of the plot to the bottom, or making laws against popery. Hath not this appeared by the great endeavours that have been used to stifle the plot; the menacing and discouraging of the true witnesses, and setting up and encouraging of false ones? I mean, by the great power that accompanied those endeavours; but above all, by the great authority and interest, which that party have shewed in the dissolution of the last two Parliaments, (though as to the first I heartily forgive them) and the many prorogations of this. *And must they now, after they have stopped or smothered all proceedings that tended to destroy popery, for above two years, find fault*

that we have not brought all to perfection in two weeks?

Sir, this looks like such a profound piece of policy, as that of killing justice *Godfrey*. But I am not sorry that their politicks run so low. Such a pretence as this can only pass with persons that have a mind to be deceived. I will never doubt the prudence of the major part of the nation in this particular, who know that the non-prosecution of the plot, is the great grievance which the nation groans under; and the making of such laws as may secure us against popery, the greatest reason they have so longed for a Parliament, and adventured so much, as some did, in petitioning for one. And, Sir, I think, that accordingly this house have not been wanting to do their duty therein; and therefore do believe that such representations to his Majesty, are made by such as aim at the destruction of Parliaments and bringing in of popery. But the better to prevent their taking any such advantage for the future, I could wish that we may not spend more mornings about *Irish* cattle, nor *East-India* trade, until the business of the plot and popery be more off our hands. But in order to satisfy his Majesty of our obedience to his commands, I agree both for the Committee, and trial of the Lord *Stafford*.

Resolved, That a Committee be appointed, to draw up an humble address to his Majesty upon the debate of the house, in answer to his Majesty's gracious message.

Resolved, That this house will proceed in the prosecution of the Lords in the tower, and will forthwith begin with William Viscount Stafford.

The 11th of November, 1680.

SIR *William Jones* reports from the Committee appointed to draw up an address to his Majesty, upon the debate of the house, in answer to his Majesty's gracious message ; which he read in his place, and afterward delivered the same at the clerks table ; where being read again, was upon the question agreed to by the house.

The address to his Majesty from the Commons.

May it please your most excellent Majesty,

WE your Majesty's most loyal and obedient subjects, the Commons in this present Parliament assembled, having taken into our most serious consideration your Majesty's gracious message, brought unto us the ninth day of this instant *November*, by Mr. Secretary *Jenkins*, do with all thankfulness acknowledge your Majesty's care and goodness, in inviting us to expedite such matters as are depending before us relating to popery and the plot. And we do, in all humility, represent to your Majesty, that we are fully convinced, that it is highly incumbent upon us, in discharge both of our duty to your Majesty, and of that great trust reposed in us by those whom we represent, to endeavour, by the most speedy and effectual ways, the suppression of popery within this your kingdom, and the bringing to publick justice all such as shall be found guilty of the horrid and damnable popish plot. And though the time of our sitting (abating what must necessarily be spent in the chusing and presenting a Speaker, appointing grand committees, and in taking the oaths and tests enjoined by act of Parliament) hath not much exceeded a fortnight, yet we have in this time not only made a considerable progress in some things which to us seem, and
(when

(when presented to your Majesty in a parliamentary way) will, we trust, appear to your Majesty to be absolutely necessary for the safety of your Majesty's person, the effectual suppression of popery, and the security of the religion, lives, and estates of your Majesty's protestant subjects : But even in relation to the trials of the five Lords impeached in Parliament for the execrable popish plot, we have so far proceeded, as we doubt not but in a short time we shall be ready for the same. But we cannot (without being unfaithful to your Majesty, and to our country, by whom we are intrusted) omit, upon this occasion, humbly to inform your Majesty, That our difficulties, even as to these trials, are much increased by the evil and destructive counsels of those persons who advised your Majesty, first to the prorogation, and then to the dissolution of the last Parliament, at a time when the Commons had taken great pains about, and were prepared for those trials. And by the like pernicious counsels of those who advised the many and long prorogations of the present Parliament, before the same was permitted to sit ; whereby some of the evidence which was prepared in the last Parliament, may possibly (during so great an interval) be forgotten or lost ; and some persons, who might probably have come in as witnesses, are either dead, have been taken off, or may have been discouraged from giving their evidence. But of one mischievous consequence of those dangerous and unhappy counsels, we are certainly and sadly sensible, namely, that the testimony of a material witness against every one of those five Lords, (and who could probably have discovered, and brought in much other evidence about the plot in general, and those Lords in particular) cannot now be given *viva voce* ; for as much as that witness is unfortunately dead, between the calling and the sitting of this Parliament. To prevent the like, or greater inconveniencies for the future,

ture, we make it our most humble request to your most excellent Majesty, that, as you tender the safety of your royal person, the security of your loyal subjects, and the preservation of the true protestant religion, you will not suffer yourself to be prevailed upon by the like counsels, to do any thing which may occasion, in consequence, (though we are assured never with your Majesty's intention) either the deferring of a full and perfect discovery and examination of this most wicked and detestable plot, or the preventing the conspirators therein from being brought to speedy and exemplary justice and punishment. And we humbly beseech your Majesty to rest assured, (notwithstanding any suggestions which may be made by persons, who, for their own wicked purposes, contrive to create a distrust in your Majesty of your people,) that nothing is more in the desires, and shall be more the endeavours of us, your faithful and loyal Commons, than the promoting and advancing of your Majesty's true happiness and greatness.

Mr. *Speaker*, Sir, I hope this address will satisfy his Majesty, that this house hath not been negligent in the prosecution of the plot and popery, and that it will create in his Majesty a good opinion of our proceedings, that so we may not meet with any interruption in the perfecting of those bills which are necessary for the good of the King and kingdom, and may have the glory of having been instrumental in accomplishing that security which the nation so much desires in point of religion, and in making his Majesty's government not only more easy to him, but so formidable, as that he may become a terror to his enemies, and in a capacity to give assistance to his friends both at home and abroad; and, if possible, so reconcile all divisions, as that there may be no distinction but of papists and protestants, nor of that neither, if there could be a way found

George Vernon.

found out to prevent it. For I know this house wants nothing but opportunity to express their loyalty to the King, and love to the protestant religion, and their country; but I am afraid that all our endeavours will prove ineffectual, unless we can remove from his Majesty all counsellors that advise him in favour of the popish interest, and such as influence him in favour of that party. I do not mean little ones, but such as by experience we had found, have in the time of our greatest danger exercised a kind of uncontrollable power. The witnesses which you have heard this day at the bar, as to the wicked plot of the papists in *Ireland*, and in what a dangerous condition the poor protestants are there, how exceeded in numbers by their enemies, and deserted by their friends, added to the evidence we have of the plot in *England*, hath given to me a new prospect of the deplorable condition we are in; and therefore, although it be a little late in the day, seeing here is a full house, and of such persons as I believe will never think any thing too much, that is so necessary for the good of their King and country; I hope you will not think it unseasonable, that I should now move you, that the ingrossed bill, for disinheriting *James Duke of York*, be read.

The bill amended as the house had ordered was read, Intituled, An act for securing of the protestant religion, by disabling James Duke of York to inherit the imperial crown of England and Ireland, and the dominions and territories thereunto belonging.

‘ **W** H E R E A S *James Duke of York* is notoriously known to have been perverted
 ‘ from the protestant to the popish religion; where-
 ‘ by not only great encouragement hath been given
 ‘ to the popish party to enter into, and carry on

‘ most devilish and horrid plots and conspiracies, for
‘ the destruction of his Majesty’s sacred person and
‘ government, and for the extirpation of the true
‘ protestant religion: But also, if the said Duke
‘ should succeed to the Imperial crown of this realm,
‘ nothing is more manifest, than that a total change
‘ of religion within these kingdoms would ensue.
‘ For the prevention whereof, Be it enacted by the
‘ King’s most excellent Majesty, by, and with the
‘ advice and consent of the Lords spiritual and tem-
‘ poral, and the Commons in this present Parlia-
‘ ment assembled, and by the authority of the same,
‘ That the said *James* Duke of *York* shall be, and
‘ is, by the authority of this present Parliament, ex-
‘ cluded, and made for ever incapable to inherit,
‘ possess, or enjoy the imperial crown of this realm,
‘ and of the kingdom of *Ireland*, and the domi-
‘ nions and territories to them, or either of them,
‘ belonging; or to have, exercise, or enjoy any
‘ dominion, power, jurisdiction or authority in the
‘ same kingdoms, dominions, or any of them.

‘ *And be it farther enacted*, by the authority afore-
‘ said, That if the said *James* Duke of *York* shall
‘ at any time hereafter, challenge, claim, or attempt
‘ to possess, or enjoy, or shall take upon him to use
‘ or exercise any dominion, power, or authority, or
‘ jurisdiction, within the said kingdoms, or domini-
‘ ons, or any of them, as King, or chief magistrate of
‘ the same; That then he the said *James* Duke of *York*,
‘ for every such offence, shall be deemed and adjudged
‘ guilty of *High-Treason*; and shall suffer the pains, pe-
‘ nalties, and forfeitures, as in case of *High-Treason*.

‘ *And farther*, That if any person or persons what-
‘ soever, shall assist, or maintain, abet, or willing-
‘ ly adhere unto the said *James* Duke of *York*, in
‘ such challenge, claim, or attempt, or shall of
‘ themselves attempt, or endeavour to put or bring
‘ the said *James* Duke of *York*, into the possession,
‘ or exercise of any regal power, jurisdiction, or
‘ authority,

‘ authority, within the kingdoms and dominions
‘ aforefaid, or fhall by writing, or preaching, ad-
‘ vifedly publifh, maintain or declare, That he
‘ hath any right, title, or authority, to the office
‘ of King, or chief magiftrate, of the kingdoms
‘ and dominions aforefaid; that then every fuch
‘ perfon fhall be deemed and adjudged guilty of
‘ *High-Treafon*; and that he fuffer and undergo the
‘ pains, penalties, and forfeitures aforefaid.

‘ *And be it farther enacted*, by the authority afore-
‘ faid, That he, the faid *James Duke of York*,
‘ fhall not at any time, from and after the fifth of
‘ *November* 1680. return, or come into, or within
‘ any of the kingdoms or dominions aforefaid; other-
‘ wife he, the faid *James Duke of York*, fhall be
‘ deemed and adjudged guilty of *High-Treafon*;
‘ and fhall fuffer the pains, penalties, and forfeitures,
‘ as in cafe of *High-Treafon*: And farther, That if
‘ any perfon or perfons whatfoever fhall be aiding or
‘ affifting unto fuch return of the faid *James Duke*
‘ of *York*, that then every fuch perfon fhall be
‘ deemed and adjudged guilty of *High-Treafon*;
‘ and fhall fuffer as in cafes of *High-Treafon*.

‘ *And be it farther enacted*, by the authority afore-
‘ faid, That he, the faid *James Duke of York*, or any
‘ other perfon, being guilty of any of the treafons
‘ aforefaid, fhall not be capable of, or receive
‘ benefit by any pardon, otherwife than by act of
‘ Parliament, wherein they fhall be particularly
‘ named; and that no *Noli Profequi*, or order for
‘ ftay of proceedings, fhall be received or allowed
‘ in, or upon any indictment, for any of the offen-
‘ ces mentioned in this act.

‘ *And be it farther enacted and declared*, and it is
‘ hereby enacted and declared, That it fhall and
‘ may be lawful to, and for any magiftrates, officers,
‘ and other fubjects whatfoever of thefe kingdoms
‘ and dominions aforefaid; and they are hereby en-
‘ joined and required to apprehend and fecure the
‘ faid

‘ said *James* Duke of *York*, and every other person
‘ offending in any of the premisses; and with him
‘ or them, in case of resistance, to fight, and him
‘ or them by force to subdue: For all which actions,
‘ and for so doing, they are, and shall be, by vir-
‘ tue of this act, saved harmless and indemnified.

‘ *Provided*, and it is hereby declared, That no-
‘ thing in this act contained shall be construed,
‘ deemed, or adjudged, to disenable any other per-
‘ son from inheriting and enjoying the imperial
‘ crown of the realms and dominions aforesaid;
‘ (other than the said *James* Duke of *York*.) But
‘ that in case the said *James* Duke of *York* should
‘ survive his now Majesty, and the heirs of his Ma-
‘ jesty’s body, the said imperial crown shall descend
‘ to, and be enjoyed by such person or persons suc-
‘ cessorily, during the life of the said *James* Duke
‘ of *York*, as should have inherited and enjoyed the
‘ same, in case the said *James* Duke of *York*, were
‘ naturally dead; any thing contained in this act to
‘ the contrary notwithstanding.

‘ *And be it farther enacted*, by the authority afore-
‘ said, That during the life of the said *James* Duke
‘ of *York*, this act shall be given in charge at every
‘ assizes, and general sessions of the peace within the
‘ kingdoms, dominions and territories aforesaid;
‘ and also shall be openly read in every Cathedral
‘ Church, and Parish Church, and Chapels, with-
‘ in the aforesaid kingdoms, dominions, and terri-
‘ tories, by the several respective parsons, vicars,
‘ curates, and readers thereof, who are hereby re-
‘ quired, immediately after divine service in the
‘ forenoon, to read the same twice in every year;
‘ that is to say, on the 25th of *December*, and upon
‘ *Easter-Day*, during the life of the said *James* Duke
‘ of *York*.’

Mr. *Speaker*, Sir, this great business cannot be too ^{Sir L. Jen-}
well considered, before you come to a final resolu-
tion ^{kings.}

tion therein. I will not now offer you any prudential arguments against this bill; because I did offer several at the last reading. But, Sir, I would desire you to consider, that this prince is brother to our present King, and son to our late pious King *Charles* the first; for whose memory this nation hath a great veneration: That this Prince is enriched with excellent endowments, which he hath employed in the service of this nation, by fighting our battles, and defending us from the oppression of our enemies; and is only guilty of this one crime, which, I hope, upon a mature deliberation, will not deserve so great a condemnation. Sir, I know it is usual for this house to proceed in affairs of less importance, with all the calmness, justice, and prudence, that can be imagined; and therefore I hope you will be careful how you deviate from those measures, in a business of this nature. I would once more remember you, that there are laws already for the punishment of the crimes he is accused of; and therefore humbly conceive, you ought not to chastise him, by making a new law; especially with that severity, which is, by this bill, now intended, before any hearing.

Sir, for my part, I have taken the oath of allegiance, and think my self therein bound to him, as heir, until it please God that his Majesty have children. I know of no power on earth, that can dispense with my oath; and therefore I cannot (so much as by being silent) give my consent to this bill, lest I therein wrong my conscience; seeing I have the honour to be a member of this house.

I do not doubt but most here have a great esteem for the church of *England*, as members thereof: I could wish they would consider what a great blow this bill will give to our religion, and to our church. To disinherit a Prince for no other cause, but for being of a different opinion in some points of faith, is, I think, quite contrary to the principles

ples of the religion we profess, and also to the established laws of this land. And if such an act, when made, should be of any validity, I do conclude, that you will thereby change the constitution of this monarchy, and make it in a manner elective; and therefore I humbly move you, that the bill may be thrown out.

Mr. *Speaker*, Sir, I desire leave to offer some *Sir Richard* objections, which, in my opinion, do justly arise *Mason.* against this bill. I think there ought to be a proviso, *That if the Duke should turn protestant, that then the bill should be void, and he not excluded from his right;* that so we may not leave him without some temptation to return to the protestant religion. And, Sir, I think there ought to be a *proviso*, that in case the Duke should have a son, after either of his daughters (if it should be their fortune) have ascended the throne, for the reserving of him a right. For there is a possibility, that if the Duke should out-live the King, he may have a son, after that his daughters, by virtue of this act, may have taken the crown. I suppose, that as there is no intent to chastise the daughters for the father's sake, so not the son; and therefore I humbly move you, that some *proviso* may be added, to secure him his right, if any such thing should happen.

Mr. *Speaker*, Sir the honourable member that *Lionel Wal-* spoke before, made large encomiums on the Duke, *den.* extolling his endowments, and services to the nation. For my part, I think, that the better qualified he is, the greater is our danger. But as to what he said, of having fought our battles, and done great things for the nation, I think he hath not done fairly by the house; for he should also have told us, *How the triple league was broke, and my Lord of Sandwich lost his life; how he changed his religion, and hath ever since encouraged popery, and assisted that*

interest; how the city of London was burnt, and the actors discharged; how the discovery of the popish plot was prevented as much as it could be, and the presbyterian one encouraged; that so we might have all before us.

He was going on more severely, but was interrupted.

Laurence
Hyde.

Mr. Speaker, Sir, although it hath been said, that no good protestant can speak against the bill; yet, Sir, I cannot forbear to offer some objections against it. I do not know that any of the King's murderers were condemned without being heard; and must we deal thus with the brother of our King? It is such a severe way of proceeding, that I think we cannot answer it to the world; and therefore it would consist much better with the justice of the house, to impeach him, and try him, in a formal way; and then cut off his head, if he deserve it. I will not offer to dispute the power of Parliaments; but question whether this law, if made, would be good in itself. Some laws have a natural weakness with them. I think, that by which the old long Parliament carried on their rebellion was judged afterward void in law; because there was a power given, which could not be taken from the crown. For ought I know, when you have made this law, it may have the same flaw in it; if not, I am confident there are a loyal party, which will never obey, but will think themselves bound, by their oath of allegiance and duty, to pay obedience to the Duke, if ever he should come to be King, which must occasion a civil war. And Sir, I do not find that the *proviso*, that was ordered to be added for the security of the Duke's children, is made strong enough to secure them, according to the debate of the house; it being liable to many objections; and the more, because the words, *presumptive heir of the crown*, are industriously left out, tho'

tho' much insisted on when debated here in the house. Upon the whole matter, my humble motion is, that the bill may be thrown out.

Mr. *Speaker*, Sir, I am very unfit to speak in this place, being a member but of yesterday; but *Sir William Jones.* I will rather adventure to draw a censure on my self, than be wanting to serve my country (seeing they have called me hither) in a business of so great importance, I think, as great as ever was debated in an house of Commons. I can truly affirm, that I have a great respect for the Duke of *York*; and therefore, as well as for the preservation of the protestant religion, I am for this bill. For I take it for granted, *That it is impossible that a papist should come to the possession and quiet enjoyment of this crown, without wading through a sea of blood, and occasioning such a war as may, for ought I know, shake the monarchical government of this nation, and thereby not only endanger himself, but his children too.* For no man can foresee what may be the end of such a war, nor what miseries it may bring on the nation: But, in all probability, it may prove the deepest tragedy that ever was acted on this great theatre. For it cannot be imagined, *that the great body of protestants which are in this nation will tamely submit to the popish yoke, which they will in time see must be the consequence of submitting to a popish King, without some struggling.* And wars begun upon the score of religion are generally attended with more fatal and bloody consequences than other wars; and this may exceed all others that ever yet were made. And I see no way to prevent it, but by passing this bill, which, so long as it excludes only him, and secures the crown to his children, is, I think, (as the case stands) the greatest kindness we can do him.

Sir, I do much admire to hear some honourable and learned members say, that this bill is against natural

tural justice, because it condemns a man before he is heard; and that it is too severe a condemnation; that it is against the oath of allegiance, and principles of our religion; that it will be a scandal to our church, to exclude a man of his right, for his opinion in religion; that it is a law that will be void in itself, and that there are a loyal party which will never obey it; that it will make the crown elective, and occasion a civil war; and that the proviso, as to the Duke's children, is not strong enough, because the word presumptive heir is left out.

Sir, The first objection, I think, is a great mistake; for this bill is not intended as a condemnation to the Duke, but a security to ourselves; and is so far from being against natural justice, that the passing of it is *agreeable to the very foundation not only of natural justice, but natural religion too; the safety of the King and kingdom depending thereon, which, according to the rules of justice and religion, we are bound to use our endeavours to preserve, before any one man's interest.* That about the oath of allegiance, I do a little admire at; for it is the first time *I ever heard that oath pleaded in favour of popery.* I have oftentimes had occasion to scan the meaning of that oath, but never found it extended to the successor during the King's life; and therefore no need of any dispensation in that point. And I cannot understand, how it can be any scandal as to our church or religion, if by church be meant our protestant church. Can our church, or churchmen, be scandalized, because we endeavour to secure ourselves against popery, by all lawful means? I rather think the very supposition an high reflection on our churchmen, as rendering them willing to let in popery, which I am confident they are not. As to what is said, That the law will be void in itself, and that there will be a loyal party that will never obey it, and that it will occasion a civil war; I must confess these are strange arguments to me: *For, to doubt that the legislative*

relative power of the nation, King, Lords, and Commons, cannot make laws that shall bind any, or all the subjects of this nation, is to suppose there is such a weakness in the government, as must infallibly occasion its ruin. And therefore I am of opinion, that what laws you make in this case, will carry as much right and strength with them, not only now, but after the King's death, as any law whatsoever. And how then can there be a loyal party that will not acquiesce therein, unless the word loyal have some other signification than I know of? I take it to be a distinction that can only be given to such as obey laws; and, I think, we need not doubt, but if once this law were passed, *there would be protestants enough, whose interest it will be to defend it, that would compel an obedience to it.* And we have much more reason to fear a civil war without it, than with it; for if we can get this bill, we may be thereby so united, and enabled to defend ourselves, as that the popish party may never have the confidence to attempt us; but without it we shall not be in any capacity to defend ourselves; which, above all things, may encourage a civil war. As to the proviso, for securing the right to the Duke's children, if it be not strong enough, I am ready to give my vote it should be stronger; but I take it to be as full and comprehensive as can be made; at least, I take the leaving out the words, *presumptive heir to the crown*, to be no objection against it; for there is no such word in our law-books, nor no such term in treating of the succession; and therefore I hope you will be careful how you make a precedent in that case.

And, Sir, as I do not find there is any weight in the arguments that have been made against this bill; so I think, that if the preservation of our King, our government, our lives, and our religion, be things of moment, that there is much to be said for it. For although the malignity of men cannot deface his Majesty's goodness; yet by assisting the popish
C c 3 faction,

faction, they have spoiled the beautiful face of the best government in the world; by breaking that good correspondence that there ought to be between the King and his people; by dividing us in points of religion; and by being the cause of just jealousies and fears. By which his Majesty is reduced to great difficulties and trouble, in the administration of his regal authority; and the credit, peace, and tranquillity of the nation almost irrevocably lost. As to all which, the art of man cannot find out any remedy, as long as there is a popish successor, and the fears of a popish King; and therefore I humbly move you this bill may pass.

Sir Francis
Winnington.

Mr. Speaker, Sir the arguments that have been used against this bill *may be very excellent to lull us into a fatal security, by possessing us with opinions, that there is no need of taking so much care about popery; or that we ought not to oppose it; or that it will be to no purpose, because we have no power to hinder it.* But I do not see what weight they have in them, grounded on any other consideration, to hinder the passing of this bill. Rather, for the same reason that such arguments as these are here offered against this bill, and such endeavours used abroad to reconcile the people to have a better opinion of popery than formerly, I think we ought to be the more zealous for this bill; because nothing can give a greater encouragement and assistance to popery, than the growth of such opinions; nor prevent their design who are industrious to infuse them, than the passing of this bill. Whoever will consider how this monarchy hath declined in grandeur, honour, and reputation abroad, by the destruction of our navy in 1666, and the little appearance we have ever since made, of being able to be formidable at sea; but above all, our ministers double-dealing in the making of alliances, or performing of them, (in order to keep up our interest with *France.*) How from
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being umpire to all this part of the world, according to that advantage which we have by our situation, we are become the despicablest nation in *Europe*. How the government is weakened at home, not only by fears and jealousies, but by the debaucheries and divisions which have been promoted amongst our people ; how narrowly we escaped ruin when the city of *London* was burnt, as well as when the toleration came out, and the army was at *Black-Heath* ; as lately by the horrid plot if it had not been discovered ; how there is nothing stands between us and death, but the King's life ; and how all these dangers, past and present, do arise from popery : And how impossible it is it should be otherwise, as long as there is a popish successor, we may justly admire there should be any arguments offered in this place, to lessen our care for preventing the growth and power of popery. I cannot tell how these learned members *understand natural justice* ; but I am of that opinion, *That self-preservation, and the preservation of our religion, and the life of our King, by all lawful ways, is very agreeable to natural justice.* And I do admire to hear such a construction made of the oath of allegiance, that it binds all persons to the next heir, as well as to the King. For it is a most dangerous maxim, *and may be of ill consequence, if ever the next heir of the crown should make a rebellion ; for he may thereby challenge allegiance from the people, as well as the King ;* which might be of pernicious consequence. And I do not see wherein our church or religion can be scandalized by this bill. *For we do not disinherit this prince for his religion, but to save our own, and to prevent the manifest ruin of the nation.* And therefore I think it is a kindness to the church, above all acts whatsoever ; because the only way to preserve it, I mean the protestant church. And those objections that have been made against the lawfulness and validity of this act, do not weigh with me ; but, notwithstanding what

hath been said, I do believe it will be as good in law if once it be pass'd, and will be as well observed too as any act whatsoever. The King hath his right from God, and, as supreme, is accountable to none; his person sacred, and, by our laws, can do no wrong. If we should give all these qualifications to a successor, as hath been, in some measure, insinuated, it would make a strange confusion in the government. Life itself, to which a man hath as much right, as any successor can pretend to have to the crown, is taken away upon some forfeitures for the public good. And as there may be a forfeiture of life, so there may be a forfeiture of a right to the succession. And to doubt that there is not an unlimited, uncontrollable power residing somewhere in all governments, to remedy the exigencies that may happen, is to suppose there is such a weakness in this, or any other government, as that it must fall when a powerful faction shall endeavour it. In this nation, this power is in the King, Lords, and Commons; and I hope they will make use of it to preserve the government upon this occasion. And I do not doubt, but if the bill pass, all will obey it heartily, that wish well to the protestant religion. I am afraid, some ministers of state place their safety in common ruin; or otherwise, the settling of this affair would not have been so long delayed and opposed, as it hath been. Hath there not been contrived and practised, and is there not still threatened, the greatest and certainest ruin to this nation by this business of the Duke, that ever was yet projected; and must we be more stupified than our ancestors? Doth not the act of the thirteenth of Queen *Elizabeth*, make it treason for any one to say, That the Parliament cannot alter the succession? And in *Henry* the Eighth's time, was not the right of succession changed, and rechanged by act of Parliament? He then instanced several precedents, how the succession had been settled and altered by acts of
Parliament,

Parliament, since *William* the conqueror's time, and concluded with a motion for the passing of the bill.

Mr. *Speaker*, Sir, It is my misfortune to lie ^{Colonel} under the disreputation of being a *papist*; but have ^{Leg.} now an opportunity of shewing my self otherwise, in declaring that I am against this bill; for I think there is none but *papists* that are of opinion, that a man may be disinherited for his religion. I have also an opportunity to shew my duty to my master, in declaring, that those reproaches which have been cast upon him are, in my opinion, very unjust; because I believe he abhors the thoughts of doing those actions that have been imputed to him; and therefore do think it very hard, that because he may differ with us in points of religion, that therefore his reputation should thus be called in question in this house. Sir, I cannot enter into a dispute with that worthy member that spoke last, as to the precedents he hath mentioned; because I know he is very learned in the law; and the understanding of such things belong more particularly to such as have had that education: but I humbly offer it to the consideration of this house, Whether or no, if our *English* histories be true, most of those precedents were not accompaigned with blood and misery? And I am of opinion, that if this disinheriting bill should pass, it will not have better success. I cannot doubt, but that this house is for keeping up the monarchical government of this nation. We all know, how the balance hath been altered by *Henry* the Seventh's lessening the Peers; and *Henry* the Eighth's destroying the Church, and by the sale of the crownlands. I pray, Sir, let us have a care how we give a greater blow than all this, by making the crown elective. The King lost his father by one rebellion, I know this house would not willingly be the cause of losing his brother by another; which I am afraid, this

this bill; if it should pass, will occasion hereafter; especially if we name no successor; for which I am the more sorry, because I do not know for whom to draw my sword.

Sir H. Capel.

Mr. *Speaker*, Sir, I do observe, and am glad to see it, that all that have spoken in this business, *pro* or *con*, seem to agree, that we ought to do all we can to preserve the present government, and prevent a civil war; but we differ about the way: Some think, that this bill is the only way; and others are of a contrary opinion, I cannot tell for what good reason. For there being nothing intended by this bill, but the exclusion of the Duke only, in order to prevent the great danger we lie under, by reason of his great influence at court at present; and those we fear, if ever a popish King should ascend the throne. There being nothing in the bill that tends any way to prejudice the next heir, it cannot, in my poor opinion, weaken, much less tend to alter, the present government, or be any prejudice to the royal family, more than in the exclusion of this one person intended by the bill. From whom there can be no fear of a civil war; unless we should imagine, that the people of this nation, when they have a law, upon the observation and execution whereof their lives, liberties, and religion depend, they should be so great brutes as not to value themselves thereon; but rather embrace a blind, superstitious religion, and submit to all the slavery imaginable. We may as well think that, after the King's decease, the people will be willing to submit to the government, and pretended authority of the *Pope* himself, though they should be never so well able to defend themselves. The worthy member that spoke last, did in a manner affirm, that all the precedents that have been mentioned, as to the settling of the succession of the crown by act of Parliament, have been accompanied with blood. If

he would but take the pains to peruse the histories of *England*, I think he would be of another opinion. But I am sure, none ever equalized the short reign of *Queen Mary*. The barbarities which were exercised in her reign, by fire and faggot, may be put into the balance with all the inconveniencies that ever happened by any exclusion-act. But, Sir, if it had been so, which I utterly deny, it would not have signified much as to our case; for in those days matter of right was always so confounded, (I mean, as to the understanding of the people) by the many arguments that were imposed on them by each party, that neither point of right, nor any consideration, as to any thing of interest, came fairly before them. Whether *A.* or *B.* should be King, was their only question, without being loaden with any difficulties; as to which the common and major part of the people in those days might probably be very indifferent. And yet, Sir, upon a full examination it will be found, that most of those acts of Parliament, touching the succession, had the effect they were designed for; and did serve as expedients, to prevent those miseries which were feared, and were the occasion of them. But, Sir, the case will be now much otherwise, if ever you should be so unfortunate, as that the Duke should out-live the King, and you should come to try the strength of this exclusion bill; For the question in this case will not be only whether *A.* which is excluded; or *B.* which is the next heir, shall, according to this act, be King; *but whether it shall be a papist, or a protestant.* Upon which it will plainly appear, the safety of their estates, lives, and religion, doth depend. Sir, I have heard and read of strange things done by *popish* miracles; and I must confess, Sir, I have *seen much of it, even amongst many that pretend to be good protestants, since the plot broke out; I mean, as to their believing any thing against popery.* If some such omnipotent power should hereafter over-rule in such
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a conjunction, haply this bill, if it should pass into an act, may be slighted and neglected; but otherwise, I humbly conceive, it cannot be presumed, that the protestants should omit to make use of it, to save themselves from popery and slavery, which would be the consequence thereof; and thereby not only prevent a civil war, but support the government established in the right line. The truth is, Sir, the most material observation that I can make of the arguments against this bill is, that it is *thought too good for us; and that it may probably be effectual for the securing of the protestant religion.* And I am afraid, Sir, that this is the fatal consideration that hath prevailed with some, to advise the King not to grant it. If we consider how all other laws, which have been hitherto made against the Duke, have been defeated; we may, with some reason, fear the like success of all others that shall be made; unless you can do something that may tend to charging of the interest; which can never be done without this bill. We have a great many old laws against papists; but I did never hear that any thing was done, by virtue of them, that ever prejudiced the Duke; it was once attempted by a presentment made by a grand jury; the success was, that a known material law of the land must be broken, by an extrajudicial discharge of the jury, rather than the law against him should have any effect. There was a law, not long since made, obliging all persons that held or executed any office, to take the transubstantiation test: It is true, the Duke was so brave-spirited, as not to dissemble, and take the test; though haply he was earnestly press'd with a dispensation. Yet hath not that law had any effect, in favour of the protestant religion: for though the Duke hath not since acted in his offices by himself; he put in, as his deputies, persons of so much gratitude, as have in all things followed his directions; so that, as to himself, the act hath not proved

proved of any force. There was another act lately made, which was intended chiefly against him; I mean, that of excluding papists from sitting in either house; there he got himself fairly excepted by name. Now we would secure our religion by another bill against him; I find it meets with opposition here; what it may meet with elsewhere, I cannot tell. But if *such be his power under a protestant King; what may we not justly fear, if he should come to be King himself?* I think, nothing less than popery, misery, and slavery; from which we can never be saved but by having this bill: And therefore I humbly move you, that this bill may pass.

Mr. *Speaker*, Sir, I will not say that acts of Parliament cannot dispose of the succession; because it was made treason, by a statute in the 13th of *Elizabeth*, which I do not remember was ever repealed. But I will deny, that the Kings of *England* rule by virtue of any statute-law, as was suggested; for their right is by so ancient a prescription, as that it may justly be said, to be from God alone; and that no power on earth ought to dispute it. And I am of opinion, that the succession of the crown is inseparably annexed to proximity of blood; and therefore am not yet altered in my opinion, that if this bill should pass into a law, it would be in itself invalid. Which, with what hath been already said, that we cannot in justice answer the inflicting of this severe condemnation without hearing the party concerned; and the improbability of ever attaining this bill, doth very much weigh with me for my opinion against this bill. But, Sir, I think there are many doubts arise from the penning of the bill. If the Princess of *Orange* should come to the crown, during the Duke's life, and the Duke should afterwards have a son, must that son lose his right for ever? I see no provision made by this act to save his right; and may not that occasion as great a

Daniel Finch.

civil

civil war, between his generation and the princess's children, as ever happened between *York* and *Lancaster*; and, Sir, I am still unsatisfied, as to that proviso about the Duke's children, that it is not made as it ought to be; and I am afraid, that in the whole matter we are gratifying *France*, and the papists too, by laying a stumbling-block of division even amongst protestants themselves, and giving so great an occasion for a civil war; which I hope you will endeavour to prevent, by throwing out this bill.

Mr. John
Trenchard.

Mr. Speaker, Sir, I have hearkned to the objections that have been made against this bill, which have not convinced me, that we want either a just cause, or a legal power, for the making of this bill. *If the popish interest be grown too strong for the protestant, then any of these arguments may serve; for force and power will supply the defect of them.* Otherwise I think they have been so fully answered, as that there is no need more should be said about this matter; but I am sorry to see, that the protestant religion, and our lives and liberties, must have nothing to depend on, but the continuance of the King's life, and the good nature of the popish party afterward. And this, after such demonstration as we have of the interest of that party in *France, Scotland, and Ireland*, as well as here; and after a full detection of the growth of that interest, by means of the Duke's; and of the endeavours that are used to possess the protestants, with several opinions that will tend very much to the strengthening of it; and a clear discovery, that the plot, in favour of popery, goeth on as much as ever. It hath created in me an opinion, that popery is too strong to be subdued by laws; and that, after this King's life, *the protestant religion must either be overcome by popery, or defend itself by the sword.* At least, I believe, that this is the design of some men now about

about the King ; but I hope he will at last hearken to the advice of his Parliament, and prevent the nation from falling into so miserable a condition. The objection made about the Duke's son, if he should have any, after either of his daughters have taken possession of the government, may, in some measure, be made against the course of succession observed in all kingdoms : If a King die, leaving a Queen, the next heir is presently proclaimed, to prevent an *interregnum*; though there be a possibility of the Queen's being with child, to whom the right should, in the first place, belong. If any such should be born, such a settlement as is designed by this bill may destroy the *French* and popish interest, but can never be a gratification to them. Our ancestors, upon many occasions, settled and changed the succession ; of which he gave many instances ; and concluded for the bill.

The 17th of November, 1680.

His Majesty's message about Tangier was read.

‘ **H** I S Majesty did, in his speech at the opening of this session, desire the advice and assistance of his Parliament, in relation to *Tangier*:
 ‘ The condition and importance of the place obliges his Majesty to put this house in mind again, that he relies upon them for the support of it; without which it cannot be much longer preserved. His Majesty doth therefore very earnestly recommend *Tangier* again, to the due and speedy care and consideration of this house.

Mr. *Speaker*, Sir, I am very sorry that the business of supply for *Tangier* is now moved ; because I take it to be a place of great importance, and that as well for the honour of the nation, as benefit of trade, it ought to be preserved. But, Sir, we have

Sir William
Jones.

have now things of greater importance to look after, of so pressing a nature, and of so dangerous consequence, if delayed, that we cannot answer, either to our King or our country, the preferring this before it. *It is a duty incumbent on us, to secure things at home, on which our all depends, before we enter into an expence of time about securing things abroad.* If an enemy were but coming to invade us, it might be proper to fortify *Dover Castle, Portsmouth, or Plimouth*, or any of our port-towns: But if an enemy were actually landed, it would be more proper to strengthen *London*, or other in-land cities or towns. I am afraid, Sir, this is too much our case; I am afraid we have got an enemy within our bowels, and a great one too; and that it is high time to make preparation to oppose him. We have been already careless and inconsiderate too long; and shall we now go about *Tangier*, instead of continuing our endeavours about that? *Tangier* may be of great importance to trade; but, I am afraid, hath not been so managed, as to be any security to the protestant religion. The *Portuguese*, when they delivered it up, did covenant to have one popish church remain there, for the conveniency of some priests and friers, and others of that nation that were permitted to stay there; but it was then agreed, That their mortality should not be supplied, that so, after the decease of those persons, the said popish church might be demolished, or converted to a protestant use. But I am well informed that it hath been otherwise managed; and that the papists there are now more than ever. And was not my Lord *Bellasis*, now a prisoner in the tower, for the plot, governor of *Tangier*? And, I think some others of that religion; if not I am sure the soldiers, and their commanders, are most of that religion: Which makes me conclude, it is a kind of nursery for popish soldiers; and haply for that reason, as much as for the advantage of trade, may the advice given his Majesty,

in reference to Tangier, proceed. But, Sir, there is another consideration, which will make the debate of *Tangier* improper at this time; it must end in money, and not a little sum neither, enough to raise an army; which, although in time I doubt not but this house will be willing to advance, as far as his Majesty's occasions shall require; yet I think, Sir, we are not ready for it as yet. We must be better satisfied into whose hands it will go; whether to such persons as are for the popish interest, or protestant; that so we may not be afraid, that, instead of going to the support of *Tangier*, it should be employed to the destruction of the protestant religion. When these things have been looked into, and secured, then it will be time to take care of *Tangier*, and of all other his Majesty's dominions. In the mean time, our duty binds us to give his Majesty all the satisfaction we can, as to our proceedings; and therefore I humbly move you, that a Committee may be appointed to draw up an address for that purpose.

Mr. *Speaker*, Sir, every one that knows how advantageously *Tangier* is situated, to command the greatest thorow-fare of commerce in the world, and how by the advantage of the mole, it is like to prove an excellent receptacle for our merchant-ships, to further and secure them in their trading voyages into the *Streights*, and for our men of war, when they may be employed in those parts, to check or oppose the *Turks* or other enemies; how advantageous it is for carrying on a trade with *Spain* in cases of extremity; and what hopes we have of opening a trade into *Barbary* that way; I say, every one that will consider these things, will, I suppose, have reason to conclude, that it is a place of great importance, and not to be slighted. And I cannot believe that it is any nursery for popish soldiers, as hath been argued; for it is well known under what a regulation our soldiers

*Laurence
Hyde.*

are, not only here in *England*, but in *Ireland* too, of taking such oaths and tests as secures them to be protestants. And therefore I am confident they were not papists when they went hence, or from *Ireland*; and I have not heard there is any such conversion made among them there, nor do believe there are so many instruments there for that work. If this business come before you unseasonably at this time, it is because the necessity of the affair requires haste: For, either this house must speedily give some assistance for *Tangier*, or else it will be lost. For the *Moors* are come down with such a mighty army, and his Majesty hath been at so great an expence already, that he is not able of himself to do more to oppose them. And this sudden danger could not by any means have been foreseen; for the motions of the *Moors* with their armies are not like those of *Europe*, but more quick and sudden; and their designs and consultations out of the reach of any discovery by intelligence, before put in execution. This notice is more seasonable now, than it would have been after the place had been lost, which I am afraid, will be the next news, if something be not done by this house to relieve it. And therefore I humbly move you to think of some effectual way to relieve it for the present, and secure it for the future, against the like attempts.

John Hampden.

Mr. *Speaker*, Sir, among the rest of the regiments that have been sent to *Tangier*, I think there is my Lord of *Dunbarton's*; haply that air might have changed them, but I am sure they were looked upon as rank papists all the while they were here, and, I believe, in *Ireland* too. I have heard that one argument, that was lately given elsewhere against a bill which we passed in this house, was, that the Duke had all the papists in *England* ready for his assistance; that his particular friends had the command of all the places of strength in this nation; that

that he had an army of twenty two thousand men in *Scotland* at his command ; that in *Ireland* the papists were six to one for the protestants ; and that most of the princes of *Christendom* were combined for his assistance ; add to this, that the government of *Tangier* is also at his command, and, I think, we shall have no great reason to give money as yet ; I am very well satisfied, Sir, that we ought, and must put a trust in the King ; an argument much used in former Parliaments, I do admire hath been so long forgotten in this. I am sensible too, that this nation cannot be happy, unless there be such an understanding between the King and his people, as that money may be given. But, Sir, if the things I have repeated be true, as I am afraid they are, how shall we be sure, that what money we give shall ever go to the King ? *May it not be intercepted by the mighty power we have been speaking of ?* May it not be a great temptation for carrying on the plot, especially as to that part of it that refers to his sacred life ? If there were no other reason to be given but this, why we cannot at this time give money, I think it enough : *For there is a perfect contradiction between the King's interest and the Duke's interest ;* and until we see about the King, persons less engaged for the Duke's interest, we cannot answer the giving of money ; and I humbly move you, that the Committee may make this consideration part of their address.

Mr. Speaker, Sir, my Lord *Bellasis* hath not only *William Harboord.* been governor of *Tangier*, but of *Hull* too ; and what a place is that to be entrusted with a papist, I refer to your consideration. And he was not only always in places of great trust, but in so great a power, that none of the laws of this land could ever reach him. Only upon breaking out of the plot, he was committed to the *Tower* ; but now that he is there, he hath so much power, (he or his friends

for him) as that he hath all the liberty he can there desire ; and farther roceedings against him are kept off by prorogations and dissolutions of Parliaments. By which the evidence of the most material witnesses, as to the plot, is lost, and great endeavours have not been wanting to corrupt or defame the rest. By which it is plain, though he be in the *Tower*, yet his interest is not much abated ; insomuch, as many believe, that the Duke's interest, and popery, is in a great measure carried on, upon consultations held with him, and some of the rest in the *Tower*. At least this is certain, that they know all secrets of state as soon as any persons without. And therefore I think we are not yet ripe to give money for *Tangier*. And, Sir, I am of opinion, that *Tangier* is a nursery for popish soldiers ; amongst the rest, I think captain Tom is there, who was to have headed the apprentices mutiny in London, and if I be not misinformed, a captain too for that intended eminent service. When we are assured that we shall have a good protestant governor and garrison in *Tangier*, then I shall heartily give my vote for money for it ; but I am afraid that will never be, until we are sure of a good protestant successor at home. Sir, I see that new dangers start up daily, and that the popish interest is strong enough to bid defiance to the protestants, the power and merits of the Duke being magnified frequently above the King's. How to prevent the growth of it, I do not know ; all that we can do at this time is , to appoint a Committee to draw up an address (as hath been moved) to represent things fairly to the King, and pray, Sir, let it be drawn with that duty and humility as becomes subjects, but with that truth and plainness as becomes a true English house of Commons.

Mr. *Speaker*, Sir, I am very sensible of the danger of popery, and am sorry to see that our danger is now greater, than it was seven days ago; seeing we are not like to have those laws to secure us, which we hoped for; and therefore I am not for entering into any debate about money. But, Sir, seeing that *Tangier* is a place of so great importance, and in so great distress, and seeing his Majesty hath so heartily and earnestly recommended it to the care of this house, as well by this message, as by his speech at the opening of this Parliament; I humbly conceive you will do well to order, that a true account be brought in of the state of *Tangier*, that so it may be in a readiness to be considered at a more leisure time, when you have found out, and are assured, that you shall have some expedients to secure you from popery, that may satisfy this house instead of the exclusion bill. Some such order may satisfy the world, that we were making all the haste we could to supply it, that so the loss of it (in case it should so happen) may not be imputed to this house. And I make no doubt but there may be some way found out, so to lodge and appropriate the money, as that it may be secure for that use; and therefore I humbly move you that you would order, that an account of the state and condition of *Tangier* may be brought in.

Mr. *Speaker*, Sir, I could wish our fears and jealousies were either so inconsiderable, or so well over, as that we were ripe to consider the state of *Tangier*, and into whose hands to lodge money for it. But if our bill be miscarried, and the power and strength of the Duke's party be as I have heard, I think we ought in the first place to consider, whether we have any thing to give or no. And if we find we have not, or that it is in great jeopardy, I think we ought first to secure that a little better, before we treat of securing *Tangier*. I confess the arguments

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that

Edward
Deering,
Esq;

Col. Birch

that I hear have been used elsewhere against our bill, have a little startled me. For now I see why all the laws made against the Duke have proved ineffectual ; and that, notwithstanding all the endeavours of Parliament, he hath had the administration of all affairs, not only in *England* and *Scotland*, but I think in *Ireland* too, (if we believe the *Irish* witnesses,) even since the breaking out of the plot : Even because the Duke and the popish interest are, I am afraid, strong enough for the King and the protestant interest. And if so, I think we may take it for granted, that we have not any thing of our own ; for I conclude, if popery come in, not only the church-lands, but all the lands we have, will be little enough for them ; for they will never want a good, holy, sanctified, religious pretence, to take them from us : Rather than fail, I doubt not but that they will be able convincingly to make out, that we are bastards, or that they have a right *jure divino* ; to which there can be no opposition.

Sir, I think we cannot answer to God nor man the giving of money, until there be a great reformation all over the nation, as to persons in trust and command. Not but that there are very worthy men in several places ; but I am afraid, no where, without being over-powered by such who are for the Duke's interest : And for my part, I desire to speak plain, *I cannot make any distinction between the Duke's interest and the popish interest*. If there be any body that can split that hair, I wish he would do the house that service ; for I take it to be a material point, and fit to be agreed some way. And if it be so, Sir, can we give money, as long as there are eleven to seven in some places certainly known, and all in others, and in places of great importance too ?

Sir, I am very sensible that this session can never be successful, nor the nation happy, unless we come to have so fair an understanding with his Majesty, as that we may freely give him money ; which see-
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ing it cannot be done with any security to the King or his government, as long as the great affairs of this nation are thus influenced, that there may be no just cause of having any imputation lie at our door, I agree in the motions that have been made for an address, and desire it may be drawn very full and plain.

Mr. *Speaker*, Sir, I am much afraid of *Tangier*, *George Vernon*^{71071.} but more of a popish successor. By the one we may lose something of trade; but by the other, our religion, and all we have, stands in danger. And therefore, untill we are secured as to that, for my own part, I do not think my self concerned in any thing else. Sir, for these two years last past, there hath been talk of expedients to secure us against popery; I believe it was only to quiet our thoughts, while popery steals on upon us. For we are so far from having any expedients brought to perfection, to secure us against popery, that all endeavours go on as much as ever to bring in popery: Parliaments kept off; the witnesses as to the plots, both *English* and *Irish*, abused and consumed; the church-men set up to labour for a prosecution of the dissenters, in order to divide yet more the protestant interest; and false witnesses, in favour of popery, countenanced and encouraged.

Sir, These are strange expedients against popery; I begin to be persuaded, that our case is very desperate, and that the popish party themselves cannot contrive any thing for us that will look like an expedient: For I make do doubt, but the whole cabal of jesuits have been at work about it, and that they would have spawned something, if it had been possible, before now. But I believe it is found to be very difficult to find out any thing that will look like an expedient, and yet not prove so: And therefore now they are plainly carrying on those things that must be prosecuted in order to establish popery, in case the expectation of expedients

should not longer lull the people asleep ; the ridiculing of the plot, the divisions between our churchmen and dissenters, and the danger or inconsistency of Parliaments with a monarchical government : Which things will deserve a longer debate, when you shall think good to appoint a day for them. But, in the mean time, we cannot give money without endangering the religion and government of the nation. But that we may always shew to his Majesty's messages, that respect which is due to them, and, if possible, satisfy him, that our resolutions are grounded on true reason, let a Committee be appointed to draw up an address, upon the debate of the house.

Silas Tides.

Mr. *Speaker*, Sir, I think that no body should move you to take the state of *Tangier* into your consideration at this time, without an apology : For, if we should be persuaded thereto, we may be reflected on, as *Nero* was, *for being playing on his fiddle when Rome was on fire.* When we are in such danger to have our throats cut from within, to what purpose will it be to spend our time about securing things abroad ? Especially when we plainly see, it cannot be effected by any supplies, without increasing our fears and dangers of our destruction. Is not all *England* in danger to be lost ? Let us secure the ship, before we dispose of the cabbins. When we are secure against a popish successor, and the fear of having a popish King, then it will be time to think of *Tangier* : For, as the power of a popish successor hath lately appeared in the opposition made to our bill, so, I make no doubt but it will appear in the management of our money too, if we should give any. When the stomach is clean, what food a man takes turns to nutriment, and preserves the life and strength of the body ; but when the stomach is foul, food turns to humour and destruction. Sir, so it is with the body politic : When the King shall be pleased to remove from him such as give him ill advice,

vice, and are against the protestant interest, that so we may have reason to presume, that the money will be employed for our good, then I hope we shall be ready to shew our duty, in giving as much money as his occasions shall require; otherwise I am afraid we may be served as we have been formerly. *I remember when 1100,000l. was given for building of ships, and not one ship built; and above two millions given to support the triple league, and then it was presently employed for the breaking of it; when 1200,000l. was given for an actual war with France, when at the same time we were under all the obligations for peace, and so continued.* Sir, these are such material mementos, as we ought never to forget, until we have more cause to look forwards, and not backwards; which I pray God we may have very speedily, and then I shall be ready to join in giving of money, and be very well content to forget all that is past. But as yet I think our condition is not so happy, but rather fear the management of our affairs is very much out of order: *For though we had never more treasurers, yet never less money; never more admirals, yet never a worse fleet; and though never more counsellors, yet never less safety.* Of which I hope his Majesty is, or will be, sensible. For it cannot be imagined, that seeing he hath so much care for *Tangier*, he should want any for the nation. That we may do our duty in giving him the best advice we can, let us give him the grounds and reasons of our proceedings by an address, as hath been moved.

Mr. Speaker, If ever there should happen in this Lord Russell.
 nation any such change, as that *I should not have liberty to live a protestant, I am resolved to die one;* and therefore would not willingly have the hands of our enemies strengthened, as I suppose they would be, if we should give money while we are sure it must go to the hands of the Duke's creatures. Doth
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not the Duke's interest endanger the King's life? and are not our lives and fortunes in danger to be swallowed up by his power? And shall we yet make them stronger, by putting money into their hands? No, Sir, they are too strong already; but whenever his Majesty shall be pleased to free us of the danger of a popish successor, and remove, from his council and places of trust, all those that are for his interest, (because there can be no distinction made between the Duke's interest and popish,) then, Sir, I will conclude that what money we shall give, will be disposed of according to his Majesty's own royal pleasure, and for the true protestant interest. And I shall be ready to give all I have in the world, if his Majesty should have occasion for it; but in the mean time I pray, Sir, let us not endeavour to destroy ourselves by our own hands. If we may not be so happy as to better the condition of the nation, I pray, Sir, let us not make it worse. And until the King shall be pleased to give us encouragement to express our duty and loyalty to him, by giving him money, let us do it by making an address.

Mr. Wil-
liam Lenthall.

Mr. *Speaker*, Sir, I have reason to have some knowledge of *Tangier*, having been there my self, and conversed all my life-time with persons that have gone up and down the *Streights*, and been there many times, but I cannot agree with those worthy members that make it a place of so great importance. That we shall ever thereby open a trade with the *Moors* is a mere chimera; they will not have any trade with us. All the hopes we can have of any advantage from it, is from the mole, if it should be finished. But I am afraid we have seen the best of it, and that it will hardly ever be brought to more perfection than it is. But, Sir, if it should in a time of peace with *Spain*, it will be of little use to us; for the bay of *Cadiz* is upon several ac-
counts

Counts so much more convenient for ships to stop at, that it will always be preferred. For they will not only have a safe-riding, but the merchant ships great advantages, made by freight of sales of goods, which generally happens in that port, and of good company, whether going up or down the *Streights*. Our men of war do not there want conveniencies to careen, or other necessities, and will be then more ready to do the nation service, by convoying ships, than at *Tangier*, as also to carry on the money trade. But it is true, that in a time of a war with *Spain*, it would be very serviceable to us. But if it must cost 100000*l. per annum*, and if a war with *Spain* be not like to happen one year in twenty, I am of opinion that the certain charge will amount to more than the uncertain inconveniency, and therefore that we need not be so extremely concerned for it.

Mr. *Speaker*, Sir, I should not have concerned ^{Thomas} my self in this debate, but that I differ from that ^{Lucy.} worthy member that spoke last. For I think it would be a great blow, not only to the honour, but to the trade of the nation, if *Tangier* should be lost. For it will always be serviceable, as well for our men of war to resort to for provisions, and to be cleaned, in order to check the rapine of the *Turks*, or oppose other enemies, as for the protection of our merchant-men. In time of peace with *Spain*, it will (if we have enemies) be better to have two ports than one; in time of war with *Spain*, much better have this than none. And even in the time of peace, it must be serviceable upon many occasions, because of its situation on the *Barbary* side, as I take it, and *Cadiz* on the christian shore, and both near the *Streights-mouth*, the greatest passage for ships in the world. And by parting with it, we may not only be prejudiced for want of the conveniency of it, but by the great inconveniencies that may arise,

arise, by falling into the hands of the *French*, *Turks*, *Moors*, or *Spaniards*. And therefore I think the charge of maintaining it must not be considered in this case ; and it is not so much, but that if we could once fall into the way of sending good governors there, that would mind the promoting of trade, haply, the gains that might be levied thereon would in some time prove sufficient to maintain the garrison. And if we should now part with it, we should lose the two millions we have laid out on the *Mole*, which I think may also be worth our consideration. Sir, I do well remember what a cry there was in this nation, upon the delivery up of *Dunkirk* to the *French* ; I believe if *Tangier* should be delivered up, there would be more, and I think not without cause too. For I am afraid, that whenever we may have a war with *France*, we shall find that he hath already too many locks upon us in the *Streights*, seeing he is so formidable at sea. And I think if it were for no other reason but to secure the place out of his hands, we ought to keep the possession of this place.

Sir L. Jenkins.

Mr. *Speaker*, Sir, by the discourse which the worthy member made which spoke last, I hope you are fully satisfied that *Tangier* is a place of great importance, and you may conclude that his Majesty is clearly of that opinion, or else it is not likely, that after he had recommended it to you in his speech, he would now so soon have minded you of it again by his message. And being so, I hope this house will not have the loss of it lie at their doors, which I take for granted will be the fate thereof, if some supply be not given for its support speedily. For his Majesty's revenue will not bear the advancing of more money towards it, the great supplies lately sent, having been very chargeable ; and yet there must be an additional supply, and that a considerable one too, e're long, to make up the garrison four thousand

land men, or else the governor writes he cannot be in a posture to defend the town, the army of the *Moors* is so potent.

Sir, I have heard the many reasons that have been given, why money cannot be at present advanced, I cannot say, without being much concerned to hear the ministers so arraigned, and I think without cause; for I believe there are none about his Majesty but what are very good protestants, and willing to do all they can for that interest: Which I hope upon a farther consideration will not be found to be in such apparent danger. But if there be any thing amiss, which in the management of so great affairs under such difficulties as the nation hath lately struggled under, may possibly be, I am confident the loss of *Tangier* will no way remedy it; but, on the contrary, the giving of money for the support of *Tangier*, being his Majesty doth so earnestly desire it, is, I think, the only way of this house to gain a good opinion with his Majesty, and to obtain what they desire; and therefore I hope you will take it into your consideration.

Mr. *Speaker*, Sir, My apprehensions as to the state of the nation, and danger of popery, are no way abated by what this honourable member hath said; and therefore I think the business of *Tangier* looks too little for this day's debate. Especially if we consider how the bill, upon which all our hopes were grounded, as to the security of our religion, hath been used by the Lords, thrown out without so much as a conference, whereas they do not usually do so, with bills that relate to some little trade. It is strange that after they have so often declared the danger of popery, and a popish plot, *They will neither receive any remedy from us, nor propose any to us.* But rather, on the contrary, be so industrious to blast all our endeavours that tend that way; well may we be afraid of our religion, *If the fathers of*

Sir F. Win-
nington.

the church will join, in being against the only means that can save it. These are fresh instances of the mighty power and influence of a popish successor; what may we expect from them if we should have a popish King? I think, Sir, if there were no other reason, it is enough to make us cautious how we give money; and to take such notice of it in our address as may be convenient.

Sir William
Temple.

Mr. *Speaker*, Sir, This debate hath more of weight in it, than the business of *Tangier*, I think. As affairs now stand, the most part of christendom is concerned in it, I am sure all the protestants. And therefore I hope your patience will hold out, to have the whole circumstances of it fairly examined: For the arguments that have been offered in the consideration of this message, have enlarged the debate farther than was at first intended, and have brought the whole state of the nation in some measure before you, instead of that one particular business of *Tangier*; so that now what resolve you make will be a discovery of your inclinations, not only as to what you intend to do as to a supply for *Tangier*, but as to giving money for alliances and all other occasions, upon which result the good or bad success of this Parliament doth depend. As to *Tangier*, I do agree with that worthy member that spoke before, (though many are of a different opinion) that it is not of any great use to us upon the account of any advantage we shall make by it. But however, I think it is very well worth our keeping, because of the disadvantages we should receive by it, if it should fall into the hands either of the *Turk*, or *Spaniard*, but especially the *French*; who will not only be thereby enabled to fetter us, as to our trade in the *Levant*, but to curb also all other nations whatsoever, and be such an addition to the too great power he hath acquired, both by sea and land already, that I am of opinion we ought to be very cautious

cautious how we weaken the security we now have that it shall not fall into his hands. But if the mole and the town could be blown into the air, or otherwise reduced into its first chaos, I think, considering the charge it will cost keeping, *England* would not be much the worse for it; but to move you to consider any thing about that, at this time, cannot be proper, because the *Moors* have so besieged it, that the first thing that must be done, whether in order to keep it, or destroy it, is, to beat them off, by some speedy supplies which must be presently sent, or else the town, according to the best information come from thence, is like to be lost. And, Sir, I think this single consideration may be persuasive to move you to give some such supply, as may be precisely necessary for the defence and protection of this place. A small sum of money, in comparison of what this house hath formerly given, may be sufficient to satisfy his Majesty's expectation, and secure the place too. But I must confess, Sir, it is not the consideration of *Tangier* that makes me press you to it; but the deplorable estate of the protestants abroad. Sir, I have had the honour to serve his Majesty in some public employments, and by that means may be a little more sensible of the state of affairs in reference to our neighbours, than others may be, having not only had the advantage of information, but was under a necessity of using my best endeavours to get a true account of them. Sir, *I am confident the eyes of all Europe are upon this Parliament; and not only the protestants abroad, but many catholic countries, (who stand in fear of the power of France) do think themselves as much concerned in the success of this Parliament, as this house, and will be as much perplexed to hear any ill news thereof.* This, Sir, as well as the necessities of our affairs at home, makes me trouble you at this time, to desire you to be careful what you do, that we may
not

not occasion in his Majesty any dislike to this house. Whatever you do as to the business of money for *Tangier*, I pray, Sir, let there be no notice taken in your address, of the Lords having cast out your bill; for we have no reason to think the King was any ways concerned therein. To throw out a bill of so great importance, without a conference, was, in my humble opinion, very strange, and contrary to the usual proceedings of that house. But pray, Sir, let it lie at their doors that did it, for the King could not be concerned in a parliamentary way. For by this means we may obviate all misunderstandings with his Majesty about this affair, and, I hope, create in him a good opinion of this house, upon which the welfare not only of this nation, but of *Europe*, doth much depend.

Sir, his Majesty in his message puts you in mind of giving advice as well as money. I think if we make that expression the ground of our address, we may naturally graft very good things thereon, especially what may conduce to the preservation of a fair correspondence. Sir, *Though a King alone cannot save a kingdom, yet a King alone can do very much to ruin it; and though Parliaments alone cannot save this kingdom, yet Parliaments alone may do much to ruin it.* And therefore we cannot be too circumspect in what we do. It is our fortune to sit here in a critical time, when not only the affairs of this nation, but the protestant religion abroad, need our continuance; and for the same reason we may justly fear, that there are those who endeavour to contrive the putting off this Parliament. I pray, Sir, let us not give them any advantage, and then I doubt not but his Majesty's care and goodness will at last overcome all difficulties, and bring this session to a happy conclusion.

Edward
Deering,
Esq;

Mr. *Speaker*, Sir, I think his Majesty may easily send succour to *Tangier* without any great charge.

Here

Here are three or four regiments of soldiers about this town, which do rather hurt, than good to the nation; and therefore may very well be spared; and then that money which pays them now here, may pay them there, and so I suppose there will be no need of money, save only for their transportation.

Mr. *Speaker*, Sir, This business hath been so long and fairly debated, as that I think it is high time you should come to a question, and put the business off your hands. I hope there will be great care taken in drawing this address, that so our enemies may not have any ground to represent us as a stubborn Parliament, that have no intention to give money upon any terms whatsoever. I think, Sir, we may be plain with his Majesty, and give him as full assurance as ever any house of Commons did, that when we have those things granted, which are unavoidably necessary for the preservation of our religion, that we will freely and heartily give money for the supply of his occasions; and I cannot but hope, that such fair proceedings will occasion a happy issue to this parliament. For it cannot be doubted, but that the King is very sensible, *That he owes more to his people in general, than to any one man, be he brother, or any other relation; and that he cannot, without much trouble to himself, because of his coronation oath, longer permit that our laws and religion should be in such imminent danger.* And therefore I hope that we shall not only have a fair correspondence continued, but also a gracious compliance, in what we have desired for the effectual security of our religion, and therefore would desire you to put the question for a committee.

Resolved, *That a committee be appointed to draw up an address to be presented to his Majesty, upon the debate of the house, humbly representing to his Majesty the dangerous state and condition of the kingdom, in answer to his Majesty's message.*

The humble address of the Commons in Parliament assembled.

May it please your most excellent Majesty,

WE your Majesty's most obedient and loyal subjects, the Commons in Parliament assembled, having with all duty and regard taken into our serious consideration, your Majesty's late message relating to *Tangier*, cannot but account the present condition of it, as your Majesty is pleased to represent it in your sacred message, (after so vast a treasure expended to make it useful) not only as one infelicity more added to the afflicted estate of your Majesty's faithful and loyal subjects, but as one result also of the same counsels and designs, which have brought your Majesty's person, crown and kingdoms, into those great and imminent dangers, with which at this day they are surrounded; and we are the less surprized to hear of the exigencies of *Tangier*, when we remember, that since it became part of your Majesty's dominions, it hath several times been under the command of popish governors, (particularly for some time under the command of a Lord impeached, and now prisoner in the *Tower* for the execrable and horrid popish plot,) that the supplies sent thither have been in great part made up of popish officers and soldiers, and that the *Irish* papists amongst the soldiers of that garrison, have been the persons most countenanced and encouraged.

To

To that part of your Majesty's message, which expresses a reliance upon this house for the support of *Tangier*, and a recommendation of it to our speedy care, we do with all humility and reverence give this answer: That although, in due time and order, we shall omit nothing incumbent on us for the preservation of every part of your Majesty's dominions, and advancing the prosperity and flourishing estate of this kingdom; yet at this time, when a cloud, which has so long threatned this land, is ready to break upon our heads in a storm of ruin and confusion, to enter into any farther consideration of this matter, especially to come to any resolutions in it, before we are effectually secured from the imminent and apparent dangers, arising from the power of popish persons and counsels, we humbly conceive will not consist either with our duty to your Majesty, or the trust reposed in us by those we represent.

It is not unknown to your Majesty how restless the endeavours, and how bold the attempts of the popish party, for many years last past, have been, not only within this, but other your Majesty's kingdoms, to introduce the romish, and utterly to extirpate the true protestant religion. The several approaches they have made towards the compassing this their design (assisted by the treachery of perfidious protestants,) have been so strangely successful, that it is matter of admiration to us, and which we can only ascribe to an over-ruling providence, that your Majesty's reign is still continued over us, and that we are yet assembled to consult the means of our preservation. This bloody and restless party, not content with the great liberty they had a long time enjoyed, to exercise their own religion privately amongst themselves, to partake of an equal freedom of their persons and estates, with your Majesty's protestant subjects, and of an advantage above them, in being excused from chargeable offices and employments,

ployments, hath so far prevailed, as to find countenance, for an open and avowed practice of their superstition and idolatry, without controul, in several parts of this kingdom. Great swarms of priests and jesuits have resorted hither, and have here exercised their jurisdiction, and been daily tampering to pervert the consciences of your Majesty's subjects. Their opposers they have found means to disgrace; and if they were judges, justices of the peace, or other magistrates, to have them turned out of commission; and in contempt of the known laws of the land, they have practised upon people of all ranks and qualities, and gained over divers to their religion; some openly to profess it, others secretly to espouse it, as most conduced to the service thereof.

After some time they became able to influence matters of state and government; and thereby to destroy those they cannot corrupt. The continuance, or prorogation of Parliaments, has been accommodated to serve the purposes of that party. Money raised upon the people to supply your Majesty's extraordinary occasions, was, by the prevalence of popish councils, employed to make war upon a protestant state, and to advance and augment the dreadful power of the *French* King; though to the apparent hazard of this, and all other protestant countries. Great numbers of your Majesty's subjects were sent into, and continued in the service of that King, notwithstanding the apparent interest of your Majesty's kingdoms, the addresses of the Parliament, and your Majesty's gracious proclamations to the contrary. Nor can we forbear to mention, how that at the beginning of the same war, even the ministers of *England* were made instruments to press upon that state, the acceptance of one demand, among others, from the *French* King, for procuring their peace with him, that they should admit the public exercise of the roman catholic religion in the *United Provinces*; the churches there to be divided;

vided ; and the *Romish* priests maintained out of the public revenue.

At home, if your Majesty did at any time, by the advice of your privy council, or of your two houses of Parliament, command the laws to be put in execution against the papists, even from thence they gained advantage to their party, while the edge of those laws was turned against protestant dissenters ; and the papists escaped, in a manner, untouched. The act of Parliament, enjoining a test to be taken by all persons admitted into any public office, and intended for a security against papists coming into employment, had so little effect, that, either by a dispensation obtained from *Rome*, they submitted to those tests, and held their offices themselves ; or those put in their places were so favourable to the same interests, that popery it self rather gained, than lost ground since that act.

But that their business in hand might yet more speedily and strongly proceed, at length a popish secretary (since executed for his treasons) takes upon him to set afoot and maintain correspondencies at *Rome*, (particularly with a native subject of your Majesty's, promoted to be a Cardinal) and in the courts of other foreign Princes (to use their own form of speech) for the subduing that pestilent heresy, which has so long domineered over this northern world ; that is, to root the protestant religion out of *England* ; and thereby to make way the more easily, to do the same in other protestant countries.

Towards the doing of this great work, (as Mr. *Coleman* was pleased to call it) Jesuits (the most dangerous of all the popish orders, to the lives and estates of princes) were distributed to the several precincts within this kingdom, and held joint councils with those of the same order, in all neighbouring popish countries : Out of these councils and correspondencies was hatched that damnable and hellish
E e 3 plot,

plot, by the good providence of Almighty God, brought to light above two years since, but still threatening us; wherein traytors, impatient of longer delay, reckoning the prolonging of your sacred Majesty's life, (which God long preserve) as the great obstacle in the way to the consummation of their hopes; and having in their prospect a proselyted prince, immediately to succeed in the throne of these kingdoms, resolved to begin their work with the affassination of your Majesty; to carry it on with armed force; to destroy your protestant subjects in *England*; to execute a second massacre in *Ireland*; and so with ease to arrive at the suppression of our religion, and the subversion of the government.

When this accursed conspiracy began to be discovered, they began the smothering it up with the barbarous murder of a justice of the peace, within one of your Majesty's own palaces, who had taken some examinations concerning it.

Amidst these distractions and fears, popish officers for the command of forces, were allowed upon the musters by special orders (surreptitiously obtained from your Majesty); but countersigned by a secretary of state, without ever passing under the tests prescribed by the aforementioned act of Parliament. In like manner, above fifty new commissions were granted about the same time to known papists, besides a great number of desperate popish officers, though out of command, yet entertained at half-pay. When in the next Parliament, the house of Commons were prepared to bring to a legal trial the principal conspirators in this plot, that Parliament was first prorogued, and then dissolved. The interval between the calling and sitting of this Parliament was so long, that now they conceive hopes of covering all their past crimes, and gaining a seasonable time and advantages of practising them more effectually.

Witnesses

Witnesses are attempted to be corrupted ; and not only promises of reward, but of the favour of your Majesty's brother, made the motives to their compliance ! Divers of the most considerable of your Majesty's protestant subjects have crimes of the highest nature forged against them ; the charge to be supported by subornation and perjury, that they may be destroyed by forms of law and justice.

A Presentment being prepared for a grand jury of *Middlesex*, against your Majesty's said brother, the Duke of *York* (under whose countenance all the rest shelter themselves) the grand jury were, in an unheard of, and unprecedented, and illegal manner, discharged ; and that with so much haste and fear, lest they should finish that *presentment*, that they were prevented from delivering many other *indictments*, by them at that time found against other popish recusants. Because a pamphlet came forth weekly, called, *The weekly packet of advice from Rome* ; which exposes popery, (as it deserves) as ridiculous to the people ; a new and arbitrary rule of court was made in your Majesty's court of King's bench, (rather like a star-chamber, than a court of law) That the same should not, for the future, be printed by any person whatsoever.

We acknowledge your Majesty's grace and care, in issuing forth divers proclamations since the discovery of the plot, for the banishing papists from about this great city, and residence of your Majesty's court, and the Parliament ; but with trouble of mind do we humbly inform your Majesty, That, notwithstanding all these prohibitions, great numbers of them, and of the most dangerous sort, to the terror of your Majesty's protestant subjects, do daily resort hither, and abide here. Under these, and other sad effects and evidences of the prevalency of popery, and its adherents, We your Majesty's most faithful Commons found this your Majesty's distressed

E e 4

kingdom,

kingdom, and other parts of your dominions, labouring, when we assembled.

And therefore from our allegiance to your Majesty, our zeal to our religion, our faithfulness to our country, and our care of posterity, We have lately, upon mature deliberation, proposed one remedy of these great evils; without which (in our judgments) all others will prove vain and fruitless; and (like all deceitful securities against certain dangers) will rather expose your Majesty's person to the great hazard, and the people, together with all that's valuable to them, as men or Christians, to utter ruin and destruction. We have taken this occasion of an access to your Majesty's royal presence, humbly to lay before your Majesty's great judgment and gracious consideration, this most dreadful design of introducing *popery*, and, as necessary consequences of it, all other calamities, into your Majesty's kingdoms. And if after all this, the private suggestions of the subtle accomplices of that party and design should yet prevail, either to elude, or totally obstruct the faithful endeavours of Us your Commons, for an unhappy settlement of this kingdom, We shall have this remaining comfort, That we have freed our selves from the guilt of that blood and desolation which is like to ensue. But our only hope, next under God, is in your sacred Majesty, That, by your great wisdom and goodness, we may be effectually secured from popery, and all the evils that attend it: And that none but persons of known fidelity to your Majesty, and sincere affections to the protestant religion, may be put into any employment, civil or military; that whilst we shall give a supply to *Tangier*, we may be assured we do not augment the strength of our *popish* adversaries, nor encrease our own dangers. Which desires of your faithful Commons, if your Majesty shall graciously vouchsafe to grant, we shall not only be ready to assist your Majesty in defence of

of *Tangier*, but do whatsoever else shall be in our power, to enable your Majesty to protect the protestant religion and interest at home and abroad; and to resist and repel the attempts of your Majesty's, and the kingdom's enemies.

The 13th of November, 1680.

The 13th of November, 1680.

Several persons examined about the dismissing of a Grand-Jury in Middlesex.

Mr. Speaker,

SIR, The preservation of the government in Sir William Jones. general, as well as our particular safeties, have a dependance upon the matter that is now before you; in which there are so many miscarriages so complicated, as there ariseth some difficulty how to examine them. I cannot but observe, how the proclamation is here again mentioned; by which you may conclude, there lieth a great weight on the people's right to petition by means thereof; and that the best way to remove it is, to find out the advisers and contrivers of that proclamation, in order to proceed against them according to their deserts. Without which, what you have done in asserting the right of petitioning, will remain with some doubt; and those that advised the proclaiming to the people, that it is seditious to petition the King, without that chastisement they deserve. And therefore I humbly conceive, you will do well to consider of it as soon as you can. It is not strange, that the *proclamation* shall be made use of with country gentlemen, to get abhorrrers to petitioning; seeing the judges themselves have made use of it to that purpose: *They should have known, that though a proclamation*

tion might be of great use, to intimate the observation of a law ; yet that it had never been used instead of a law. But yet I do not admire so much at this, as I do at the discharge of the grand-jury, before they had finished their presentments. It tends so much to the subversion of the established laws of this land, that I dare pronounce, that all the laws you have already, and all that you can make, will signify nothing against any great man, unless you can remedy it for the future. I observe, there were two reasons why this grand-jury were so extrajudicially discharged ; one, because they would otherwise have presented the Duke of York for a papist ; the other, because they presented a petition to be delivered to the King, for the sitting of the Parliament ; which they said it was not their business to deliver. Tho' I cannot but observe, how, upon other occasions, they did receive petitions, and delivered them to the King ; and all the difference was, that those petitions so delivered, were against sittings of Parliaments. The truth is, I cannot much condemn them for it ; for if they were guilty of such crimes as the witnesses have this day given you information of, I think they had no reason to further petitions for the sitting of a Parliament. But, Sir, this business will need a farther information ; and therefore I humbly pray it may be referred to a Committee.

Sir Francis
Winnington.

Mr. Speaker, Sir, I think we are come to the old times again, *when the judges pretended they had a rule of government, as well as a rule of law ; and that they have acted accordingly. If they did never read Magna Charta, I think they are not fit to be judges ; if they have read Magna Charta, and do thus so contrary, they deserve a severe chastisement. To discharge grand-juries, of purpose to disappoint them of making their presentments, is to deprive the subject of the greatest benefit and security the law hath provided for them. If the judges, instead of*

of acting by law, shall be acted by their own ambition; and endeavour to get promotions, rather by worshipping the rising sun, than by doing justice, this nation will soon be reduced to a miserable condition. Suppose that after the discharge of this grand-jury, some person had offered to present some murther, treason or other capital crime, for want of the grand-jury there would have been a failure of justice. As faults committed by judges are of more dangerous consequence than others to the public; so there do not want precedents of severer chastisements for them, than for others. I humbly move you, first, to pass a vote upon this business, of discharging grand-juries; and then to appoint a Committee to examine the miscarriages of the judges in *Westminster-hall*, and to report the same with all speed to you.

Mr. *Speaker*, Sir, As it hath been observed, that this *Silas Titus* business hath some reference to the proclamation; so I believe there is something of the plot in it too. And therefore I think if *this plot does not go on, it will have the worst luck that ever plot had*; seeing the judges, as well as most other persons in public places, have given it as much assistance as they could. But whereas some have spoken ill of these judges, I desire to speak well of them in one thing: I am confident they have herein shewed themselves grateful to their benefactors; for I do believe, that some of them were preferred to their places of purpose, because they should do what they have done. Laws of themselves are but dead letters; unless you can secure the execution, as well of those you have already, as of those you are now making, we shall spend our time to little purpose. Therefore I second the motion that hath been made for a vote, to declare the sense of the house, as to the discharging of grand-juries; and for referring the farther examination to a Committee.

Mr.

William Sa-
cheverel.

Mr. *Speaker*, Sir, the business of this debate is a great instance of our sick and languishing condition. As our ships, forts, and castles, are for securing us from the danger of our enemies from abroad, so our laws from our enemies at home; and if committed to such persons as will turn their strength upon us, are equally dangerous. Sir, 'we all know how 'the government of *Scotland* hath been quite altered 'since his Majesty's restoration, by some laws 'made there; pray let us have a care that ours be 'not altered, by the corrupt proceedings of judges, 'lest we be reduced to the same weak condition of 'defending ourselves against popery and arbitrary 'government here, that they are there.' If judges can thus prevent the penalties of the law, by discharging grand juries before they have made their presentments, and can make laws by their rules of court, I think the government may soon be subverted; and therefore that it is high time for this house to speak with those gentlemen. In former times several judges have been impeached, and hanged too, for less crimes than these; and the reason was because they had *broke the King's oath as well as their own*. If what hath been said of some of these judges be fully proved, they shall not want my vote to inflict on them the same chastisement. The truth is, Sir, I know not how the ill consequences we justly fear from judges can be prevented, as long as they are made *durante bene-placito*, and have such dependencies as they have. But this must be a work of time: In order to remedy our present grievances, let us pass a vote upon this business of discharging grand-juries; and that it may be penned as the case deserves. If you please, let it be drawn up by a Committee that may withdraw for that purpose; and let there be also one appointed to examine the miscarriage of the judges.

Mr.

Mr. *Speaker*, Sir, I would beg leave to observe *Henry Sidney* to you, because I think it may be necessary to be considered by your Committee, what an opinion was given not long since by some of these judges about printing; which was, that printing of news might be prohibited by law; and accordingly a proclamation issued out. I will not take on me to censure the opinion as illegal, but leave it to your farther consideration. But I remember there was a consultation held by the judges a little before; and they gave their opinion, that they knew not of any way to prevent printing by law; because the act for that purpose was expired. Upon which, some judges were put out and new ones put in; and then this other opinion was given. These things are worthy of a serious examination. For if treasurers may raise money by shutting up the *Exchequer*, borrowing of the bankers, or retrenchments; and the judges make new laws by an ill construction, or an ill execution of the old ones: I conclude, that Parliaments will soon be found useless; and the liberty of the people an inconvenience to the government. And therefore I think, Sir, you have been well moved to endeavour to pass your censure on some of these illegal proceedings by a vote; and to refer the farther consideration to a Committee.

Resolved, *That the discharging of a grand-jury by any judge, before the end of the term, assizes, or sessions, while matters are under their consideration, and not presented, is arbitrary, illegal, destructive to public justice, a manifest violation of his oath, and is a means to subvert the fundamental laws of this kingdom.*

Resolved,

Resolved, *That a Committee be appointed to examine the proceedings of the judges in Westminster-hall, and report the same, with their opinion thereon, to this house.*

The 15th of December, 1680.

The house being summoned by the Black-Rod to the Lord's house, his Majesty made a speech to them, and then they returned to their own house.

His Majesty's most gracious speech to both houses of Parliament, on Wednesday the 15th of December, 1680.

My Lords and Gentlemen,

‘ **A**T the opening of this Parliament, I did acquaint you with the alliances I had made with Spain and Holland, as the best measures that could be taken for the safety of *England*, and the repose of *Christendom*.

‘ But I told you withal, that if your friendship became unsafe to trust to, it would not be wondred at, if our neighbours should begin to take new resolutions, and perhaps such as might be fatal to us.

‘ I must now tell you, that our allies cannot but see how little has been done since this meeting, to encourage their dependance upon us. And I find by them that unless we can be so united at home, as to make our alliance valuable to them, it will not be possible to hinder them from seeking some other refuge; and making such new friendships as will not be consistent with our safety. Consider, that a neglect of this opportunity is never to be repaired.

‘ I did

‘ I did likewise lay the matter plainly before you,
 ‘ touching the estate and condition of *Tangier*. I
 ‘ must now tell you again, that if that place be
 ‘ thought worth the keeping, you must take such
 ‘ consideration of it, that it may be speedily suppli-
 ‘ ed; it being impossible for me to preserve it, an
 ‘ expence so far above my power.

‘ I did promise you the fullest satisfaction your
 ‘ hearts could wish, for the security of the prote-
 ‘ stant religion; and to concur with you in any re-
 ‘ medies, which might consist with preserving the
 ‘ succession of the crown in its due and legal course
 ‘ of descent: I do again, with the same reservations,
 ‘ renew the same promises to you.

‘ And being thus ready, on my part, to do all
 ‘ that can reasonably be expected from me; I should
 ‘ be glad to know from you, as soon as may be,
 ‘ how far I shall be assisted by you; and what it is
 ‘ you desire from me.’

Mr. *Speaker*, Sir, I would willingly move you to *William*
 appoint a day to consider of his Majesty's speech *Gee.*
 now made to both houses; because it is according
 to the usual methods of Parliament; and I should
 be sorry to see this house shew less respect to his
 Majesty's speeches, than former have done. But
 upon hearing it now read, I do conclude, that it
 will be to little purpose to appoint a day for the
 consideration of it; because every paragraph of it
 tends to money, unless that about securing religion,
 if it may be so understood, notwithstanding the
 reservation in it about the succession. We have al-
 ready endeavoured, by several addresses we have
 made, to assure his Majesty of our loyalty and
 readiness to promote whatever may tend to his hap-
 piness and greatness; and that when we are secur-
 ed of our religion, we will readily give money;
 we can do no more than confirm the same, after
 we have considered this speech. We having not
 yet

yet had any encouragement to give money; we have made several addressees for relief of some grievances the people lie under; but hath any one of them been granted? We have finished one bill against popery; but what success hath it had elsewhere? thrown out as hastily as if it had carried a fireball with it. And yet now it seems, there is nothing to be done but giving of money; as if all our complaints were granted, the protestant religion secured, and nothing wanting to satisfy the people. Sir, I think the complaints of the nation, as to the danger of popery, are so great, and so reasonably grounded, as that it cannot be expected they should longer be satisfied with words or pretences; because we have met with many disappointments, especially after giving of money. And therefore considering the desperate case we are in, it will not be convenient we should go that way now; but keep our money until we have got laws. Which I think, is the best service we can do those who sent us here, as the case stands. For these reasons, I think, we had best adjourn the consideration of this speech to some other time.

Silas Titus.

Mr. Speaker, Sir, We have been long jealous that there are people that endeavour to create a misunderstanding between his Majesty and this house, which it is our business to prevent. If there be a difference between two men, and the one will not hear what the other offers, but be utterly against all proposals, it would be hard to reconcile two such persons; treaties and debates being a proper way to come to a fair understanding. It is true, most of the paragraphs of his Majesty's speech are mementos about money; but in the conclusion, he is please to tell you, that he desires to know how far he shall be assisted by us; and what it is that we desire from him. Sir, I think this is a fair step towards coming to a right understanding; for
I am

I am apt to believe, that if the King knew how reasonable the things are that we desire of him, and how ready we are to give him all the assistance he can desire for the support of the government, that we should not long continue under these misunderstandings ; and therefore I humbly move you to appoint a day to consider his Majesty's speech.

Resolved, That this house will on Saturday morning next take into consideration his Majesty's most gracious speech, this day made to both houses of Parliament.

The house then resolved into a grand committee, how to secure the kingdom against popery and arbitrary government. Mr. Powel in the chair.

Sir, When I consider the immunities and advantages we enjoy by the excellent compofure of our government both in church and state ; how the King, as fovereign, enjoys all the prerogative that can be necessary to make him either great or happy ; and the people all the liberty and privilege that can be pretended for their encouragement to be industrious, and for securing to themselves and posterities the enjoyment of what they get by their industry ; how the doctrine of the church is void of idolatrous, superstitious opinions ; and the government of tyranny, or absolute dominion : I cannot but admire that there should be any body amongst ourselves, that should aim at any alteration, and be the occasion of this day's debate. But, Sir, it is too evident that such there are ; and that they have made a great advance to effect their design, by many contrivances which they have pursued for a long course of years, according to the results and consultations held by jesuits for that purpose : But above all, by converting to their religion

Lord Ca-
vendish.

on *James Duke of York*, the presumptive heir of the crown ; and by engaging him to espouse their interest with that zeal and fervency, which usually attends new converts ; especially when so great a glory is proposed, as the rooting out of a *pestilent heresy out of three nations* ; and the saving of so many souls as would depend thereon. The sad effect of this conversion we have felt for many years, it having had the same operations in our body politick, as some sorts of lingring poison hath in bodies natural ; made us sick and consumptive, by infecting and corrupting all the food and physick which hath been applied in order to preserve us from popery and slavery, worse than death itself. From this fatal act the declination of the grandeur of this monarchy may be dated ; and to the consequences thereof, its absolute ruin (if not timely prevented) will be hereafter attributed. This being our case, I could not but admire to see this house so long coming to consider this weighty point ; in-
somuch, that I began to persuade myself, that either our dangers were not so great as our discourses, upon some other occasions, had represented them, or that we were not in good earnest to endeavour any redress. It is true, when we consider what ill fortune we have had with our bill, lately sent up to the house of Lords, in having it thrown out in such a heat, without so much as a conference, (though whenever they shall consider of it in cool blood, they will find there can be no other way to secure the protestant religion) we may with some reason be discouraged. But I hope, Sir, that seeing our country have thought us worthy to be their representatives, we shall not be so easily daunted in what so nearly concerns them ; but be as indefatigable in finding out ways for our preservation, as our enemies are to find out means for our destruction ; hoping we shall not meet always so bad success in the house of Lords : *For though the too much kindness*

ness of some men, who pretended to be for the bill, but underhand made a party against it, did this time operate as fatally, as enmity disguised in friendship useth to do; yet I hope that on another occasion we may have better success; not doubting but a great many Lords, when they are persuaded that they shall not be able to find out any other way (as I hear they begin to despair they shall) to secure the protestant religion, that they will join with us in the same, or some other bill to the same purpose: Especially my good Lords the Bishops, who cannot be presumed to have made peace with *Rome*, but to be ready to die for the protestant religion; and therefore, doubtless, will not long stick at joining in a bill to save it. But seeing that, according to the course of Parliaments, we are not like to bring this to a trial for a long time, I am of opinion, we had best try something else; and although I know not what other act can be made to serve instead of that, but will either prove too weak, or too strong; yet seeing we are put upon it, we must try, that so we may not be represented as stubborn. And therefore I humbly move you, that a bill may be brought in for the association of all his Majesty's protestant subjects.

Sir, Great things are expected from this day's debate; and we could not well have entred into it sooner; it now comes more seasonable than it would have done before, because of the opportunities we have had to feel the pulse of affairs since the beginning of the session; and the time we have spent in asserting the right of petitioning, by which the essence of Parliaments, and the foundation of the people's liberties were struck at. And the trial of my Lord *Stafford*, and the disinheriting bill could not possibly have been avoided. And as our labour hath not been lost in all, so I hope that at last we shall have some benefit of that spent about the succession-bill. For as it was said at the passing of the bill, that there were a loyal party that would never acquiesce in it;

*Ralph
Montague.*

so I do believe, there is a true protestant party that will never acquiesce in any thing less, than what may be sufficient for the security of their religion ; which, I am apt to believe, will end in that bill. But in the mean time, that we may shew that we are not humorists, let us try what strength we can muster up to oppose these great enemies by some other laws ; as when a house is on fire, we make use of buckets and tubs for casting of water, until the great engines can be got. But I would move you to be cautious what you do ; for I am afraid that the design of putting you upon finding out expedients, is not in order to have any thing done that may be effectual against popery ; but in order to have you offer at something that may purchase a disrepute on the house, and give your enemies an advantage to pursue their designs of breaking us, by alledging that you aim at laws that will overturn the government. For my part, I am fully persuaded, that this is the design of those that have put the King so often to declare against altering the succession, and to recommend other ways ; and that offer at what you will, if it be any thing that is like to prove strong enough to secure us against popery, that you will see the house put off before it comes to any perfection ; and that in time it will be made use of to arraign the proceedings of Parliament, and to persuade the people, that this house did attempt to alter the government by such and such bills ; and so by degrees possess the people, that Parliaments are either dangerous, or inconsistent with the government, that, if possible, they may be well content to be without them. Sir, I am afraid that the popish party are more serious in this design than we are aware of ; and that, next to the great endeavours they have used for many years to keep up our divisions in points of religion ; the next great artifice which they depend on is, the infusing into the people the dislike of Parliaments ; for they well know,

know, that popery can never be established in this nation, as long as Parliaments are permitted to sit and act. Therefore, though I know it is below a house of Commons to mind every little discourse; yet I think, if we conclude, that this powerful party, amongst their many designs, have this for one, that we ought to countermine it as much as we can. We cannot well comprehend what a bill of association will be before it be drawn up, nor what difficulties may be found in the contriving of it; and therefore I think no great debate will be necessary about it, before such a bill be brought in. And I believe it will be found more likely to be serviceable, in case the papists be banished; and therefore I conceive, *A bill for banishment of all the considerable papists out of England*, may be very necessary: And if at the same time that we endeavour to secure our selves against popery, we do not also do something to prevent arbitrary power, it will be to little purpose; for the one will be sure to have a hand to bring in the other; and I think nothing can prevent that, or rather both, better than frequent Parliaments. And therefore I humbly move you, that a *bill for securing frequent Parliaments* may be taken into your consideration.

Sir, I think you are well advised, that the way to secure our selves effectually against popery, is to secure our selves also against arbitrary government; and that the having of frequent Parliaments is the best way to secure both; and therefore, Sir, I think you may do well to move the house, that a Committee be appointed to inspect what old laws there are, *for enforcing the sitting of frequent Parliaments*; that if they should be found deficient, some new laws may be made for that purpose. I do agree, that a *bill for banishing out of England the most considerable papists*, may do well; but I hope, Sir, that if you banish the men, you will banish some women too; for I do believe, that some of that sex have

Sir G. Hungerford.

been great instruments, in bringing about our ruin. And if in time you would consider, how to prevent the royal family's marrying popish women, it would be of great security for hereafter. For I am of opinion, that the late Queen mother's zeal for her religion, was not only a great occasion (amongst many others) of the miseries that beset us in 41; but the great cause of all our miseries now, *by perverting the Duke from his religion*, as is reported; and may reasonably be believed, if we conclude, that she had that motherly care for the salvation of her children, as other mothers usually have; for, according to her opinion, it was not to be obtained out of the pale of that church: And no man can doubt, but that the protestant interest hath been much prejudiced, *by his Majesty's marrying a Princess of that religion*: For we have plainly seen, since the discovery of the plot, how some of the most material jesuits, and popish instruments, have sheltered themselves under her royal protection; and how they have helped to carry on the plot, being so impudent, as to pretend they had her patronage, and by abusing her authority; but more especially, by the *Duke's marrying the Princess of Modena*; because of her near relation to the Popes and Cardinals. All which was plainly foreseen by that Parliament, which met a little before that marriage in 1673. and therefore they made an address to his Majesty, representing the said ill consequences; desiring him not to permit it, because it would tend to the destruction of the protestant religion. But their endeavours were defeated by that party, as we may guess, seeing we find so much use of her name in *Coleman's* letters; for well might they who have over-ruled in so many great affairs, as hath been instanced in this house, have an influence also in this, that so that party might not want so useful an instrument in so great a station; and so the Parliament's address miscarried; but that they had either a good judgment, or prophetic

tic spirit, I hope will never miscarry, but remain upon record. And unless you do believe, that these ladies are less compassionate than others usually are, how can it be otherwise, their principles considered? But, Sir, I will not trouble you farther about it; but suppose it may be worth your consideration in due time. In the interim, I agree *for the bill of banishment and association too.*

Sir, It is not to be doubted, but that popery and arbitrary government are so near of kin, as cannot be separated; and therefore if we destroy the one, we need not fear the destruction of the other. Before our late miserable wars, popery was more in masquerade; and arbitrary power, the loans, monopolies, and ship-money, more invisible; now popery is more visible, excepting in the business of the exchequer, which amounting to above one million of money, we may not admire we have not heard of more great things of that kind; since especially, being we know how averse the King is to hearken to such advice; but our fears of popery are the stronger, because of the popish successor; and therefore I cannot but commend the policy of those who are tender in using arbitrary proceedings at this time, lest the fears and jealousies that might arise from both together should prove intolerable.

I must confess, Sir, I am at a great loss what to offer to your consideration in this matter; for our danger is not only from the strength of the popish party, but from the weakness of the protestants, by reason of the animosities which they sow amongst us, not only in points of religion, but of interest too. For of late they have not been content with carrying on the design of dividing the churchmen and fanatics, but by arraigning the *last Parliament as omnipotent and dangerous, for going about to disinherit the Duke.* They endeavour to divide the people in their opinions as to Parliaments, and to render them

them incompatible with the government, that so if possible they may keep the protestant interest divided, and work them to destroy themselves, by engaging party against party, *in hopes at last to have but one party to deal with, and to have an opportunity of gaining the weakest to their side by assurances of liberty of conscience, or otherways*, which must certainly be the consequence of such a contest. And although I am very unwilling to detract from the merits of our churchmen, for whom I have a great veneration, yet I cannot but observe, how that ever *since the trial of Wakeman was over, but more about the time of the presbyterian plot, how they preached up (especially in publick assemblies) the danger of fanatics to be more than of papists*; and that to disinherit the Duke was against the law of God. Which said opinions, if they should be imbibed by the people, what will your association-bill signify, or any other law you can make against popery? Sir, I do not mention these things to you without a great deal of regret; for I am well known to be a true friend of the church, and have (when I was thought worthy to be in commission) expressed myself a severe enemy to fanaticism. But however, I cannot but observe this strange contradiction, of pretending to keep out popery, and yet at the same time to endeavour to divide the protestant interest, and to reserve a right to make a papist King. I must confess I am more distracted from the ill consequences I fear from such contrivances as these, than from the strength of the papists themselves. They will certainly go on with their interest, as long as they are secure of such auxiliaries. These things must be considered in the drawing of your bill, that so the remedy you propose may be proportionable to your disease. For an act of association may be several ways evaded by such opinions as these, if they should grow amongst the people; and it will be an irreparable blow to the protestant interest to accept
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of such an expedient, if it should prove ineffectual. And therefore it ought to be so drawn, as may provide for all the contrivances of that party: For, Sir, *I cannot imagine that ever popery will attempt to come into this nation bare-faced, but do expect that the design will always be carried on, as hitherto, under some disguise, either by a toleration in favour of tender consciences, or in the name of church-men, or a loyal party, for the defence of the church or government, to which some presbyterian-plot would much conduce, and be an excellent pretence for raising of an army, and apprehending or disarming of such persons as are most likely to oppose that interest.* I must confess, Sir, I have not very well digested what I have said to you on this subject; but unless you can change the interest at court, and remove those counsellors that are so much for the Duke, I think you may justly fear all these stratagems, and that it will be impossible to contrive any association-bill that can provide against them. And therefore, that we may not spend our time in vain, I would humbly move you, Sir, to go on with the bill of banishment, which is most likely to do you some service. At least, by it we shall see, whether any thing will be granted against papists, or no: For this purpose it will be necessary, that the house be moved, that the knights, citizens, and burgeses, be commanded to bring in a list of all the most considerable papists in *England*, in order to banish the most notorious.

Sir, I retain a good opinion of an association-*I. B.* bill, notwithstanding what hath been said, as to the weakness it may receive from our unhappy divisions in points of religion and interest, too much promoted by some of our clergy. For, Sir, when I consider how the *Laudean* principles, as to raising of money without Parliaments in the late times, infected most of our clergy, so as that they not only preached up the King's absolute authority over men's properties, but
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branded with the title of rebels, and condemned to hell those that offered to argue against it: I do conclude, that it is usual for one or two bishops to give measures or directions to the rest of the bishops, and they to the clergy of their several diocesses: And that therefore the clergy derive their politicks generally from one or two bishops in some great station. Yet, Sir, when I remember how after some little time many of the clergy fell off, and would not follow such instructions; and how the people soon excused themselves from following their advice in such politics, and would not freely pay illegal taxes, notwithstanding all their endeavours; I am apt to think, Sir, that as the people were not long then misled, so as to submit to lose their property, so they will not now, to any thing that shall tend to the losing of their religion and property both. They will soon discover what is their interest, and how true interest will not lie. I have often told you within these walls, they will soon apprehend that popery will bring in slavery, and reduce them not only to an idolatrous, superstitious religion, but to wear wooden shoes like the *French*, and to eat herbs like the *Spaniard*, because they will soon know that they shall not be long masters of any thing they have: And however they may be persuaded for a while, I am confident they will at last consult how to save their *bacon*. They will discern that the clergy may be good divines, but not so good politicians; and that there may be some difference in point of interest between them and the clergy, because clergymen may be in a possibility of being advanced by popery if they submit; but the laity under a probability of losing all, notwithstanding all submissions. Sir, I do not trouble you with this discourse out of a fear that our clergy will not shew themselves good protestants; for I have that veneration for them, and opinion of them, as to believe that many of the bishops and clergy too would as soon die for the protestant religion as any persons in the

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the nation. But I am jealous that there is some *over-awing power got in amongst them, something answerable to that of a popish successor in the state*; by whose means those bills were so easily pass'd in the late long Parliament, under a pretence that they were for the preservation of the protestant religion, *which the Commons then found, and any person that will now peruse them may find, would infallibly have brought in popery.* And how, since the plot, the danger of fanatics is cried up more than that of the papists; and how tender they are in the point of a popish successor, or joining in any thing that is against him. But though these things make me jealous there is some body that misleads them now in matters relating to popery, as formerly in things relating to property; yet I am of opinion that they will e're long see, that to stand up for the interest of a popish successor, to have a popish King, to weaken the protestant interest, and speak ill of Parliaments, is not the right way to preserve the protestant religion; but a plain contradiction, and an invention of jesuits. And therefore, Sir, I am for going on with the association-bill; for I will never doubt, that the true interest of the nation, in so great a concern as this, will long be baffled by such projectors. And therefore it is my desire, that the house may be moved to appoint a Committee to draw up a bill for that purpose.

Sir, I think you have been well moved, as well *W. H.* for the association-bill as the banishing bill. By the one, you will send your enemies out of the country; by the other be in a good condition to keep them out, which may go a great way to secure us.

Sir *F. R.* Sir *J. H.* and Mr. *L. G.* for the banishing bill.

Sir,

Mr. Nich.
Carew.

Sir, I am not against any of these bills, because they may be all convenient for the present occasion; but if any man think that these bills will do without the succession bill, I believe they will find themselves mistaken. For these bills will signify nothing, unless you can remove your popish successor, and your popish interest. These bills will not reach your papists in masquerade, who will certainly continue as long as there is a popish successor, and make your banishing bill, and association-bill too, as ineffectual as white paper. Let such as I could name to you have the command of the sea-ports, (as I suppose they will without my naming them) and in the lieutenancy, and commission of the peace, and when the present heat is over, let the papists come back when they will, they will have no cause to doubt having a kind reception. For you must not expect to have plain rustick country gentlemen in such commands, but well bred courtiers, and some good easy credulous gentlemen that will soon be persuaded there is no danger in popery; and then of what use will your banishing or association-bill be? As long as the Duke hath so many friends at court, (between whose interest and popery I cannot hear there is any distinction) I think no laws that we can make against popery will do us any good, *because all the laws we have already have done us none.* For the same arts and power that have hitherto defeated all your other laws, will also defeat what you are now about. And therefore, Sir, I am of opinion we are not now acting like the true physicians of the nation, but like mountebanks. For the most we shall be able to do this way, is to patch and plaister up our sores, and have them hereafter break out incurable upon us. But if you are resolved to go on with these bills that have been proposed, I will not offer to oppose the sense of the Committee, but would move you, (that we may not forget, or lose in
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the crowd, that which at last, I believe, must be pursued, if ever you will do any thing for your religion) that in the first place you pass a vote, *That it is the opinion of this Committee, that as long as the papists have any hopes of the Duke of York's succeeding the King, that the King's person, the protestant religion, and the lives and liberties of the people, are in apparent danger.*

Sir, I have read that a great minister of state of *Silas Titus* Spain, gave this short advice to a friend of his that was coming ambassador into *England*; that he should not always aim at the best. I think it may be convenient for us to follow that advice; for if we should not have something for our security, before we get the best, I am afraid it may happen to us, as it did to a man whose house was beset with thieves; he was so long arming his servants, and appointing them their distinct quarters, that the thieves broke in, and caught them all unprovided. I pray God it may not be our case; though I am very sensible that none of these bills can effectually do our business; for nothing can secure us against this party, but being free of their principles as well as of their persons; which I conclude will always remain in some persons amongst us, notwithstanding your banishing of papists, as long as there is a popish successor. For I remember what a great man of *Swedeland* told me, that all laws they could make had never any effect against them, *until they not only banished them out of their country, but secured the government in the hand of Princes of their own religion;* and I am afraid, that nothing less than the same way will ever do our business here. For it is not so much the number of the papists, as their principles, and the danger of their getting the government into their hands, which we know they have been long aiming at, that may justly be feared, in which I am persuaded they will be so restless, as that we shall

shall never be secure against them, unless we can *banish their principles from court, as well as the people out of the country.*

Sir F. Win-
nington.

Sir, what my good friend that spoke last hath said, that we should get something, and not lose all, by aiming so earnestly at the best, is very well, if we were like to get any thing instead of it, that shall have the appearance of being serviceable in this case: But I have seen old Parliament-men mistaken sometimes, and I am afraid that he will sooner see this Parliament dissolved, than any thing granted that shall be material against popery. And that the mentioning of these bills shall afterwards arise in judgment against you; however, I think we must adventure. What this association-bill may be, I cannot tell, until it be drawn; but I see no opposition made to any of those bills that have been proposed; and I believe there is much business yet behind for this day, and that you will do well to husband your time, and put this business out of your hands by putting the questions.

Sir Richard
Temple.

Sir, you have been very well moved for the bringing in of such bills as may tend as much to the security of the protestant religion, as any that can be offered. That of banishment will certainly go a great way to destroy, not only their power, but their interest and principles too, and be a great disheartening to their party abroad. That interest will not then have so many engines to work with here, as now they have. And the bill of association will be necessary, that we may have a law to defend our selves. The association made in *Queen Elizabeth's* time will be a good precedent to draw it up by. And seeing there is no opposition, I move you to put the question.

Resolved,

Resolved, *That it is the opinion of this Committee, that one means to suppress popery is, that the house be moved that a bill be brought in immediately, to banish all the considerable papists out of the Kingdoms.*

Sir, by offering at the exclusion bill, we may conclude we have offended the Duke of York; by this bill for banishment, all the rest of the considerable papists in England. *As we have made many enemies, so it will be convenient, that we should endeavour to get some law to defend our selves against their implacable designs.* For which a bill for an association of all his Majesty's protestant subjects may do well; and therefore I pray that we may move the house to have it brought in. Ralph Montague.

Sir, as we are sick of complicated diseases, though all have their original from one cause, seeing we cannot be permitted to cure that cause, we must think of many remedies to cure the many evils that sprout from it. The banishing of the papists alone will not do it. And I am not willing to pass any judgment on the association bill before I see it. But, Sir, what fruit can you expect from your laws, unless you can secure good judges in *Westminster-hall*, and good men in commission in all other places? *Is there at this time a judge, a deputy lieutenant, or a justice of peace in commission, that you can expect shall act against the Duke of York?* Or if any such be in, are they for more than a colour? Are they not over-powered by such as are for the Duke's interest? If this do not make all your laws invalid, by not executing them; is there not an army of about ten thousand men under the name of guards, and may not more be raised? And what then will your laws signify? Have we not already had some experience of this, when the toleration came out in 1672. when there

there was that army at *Black-beath*, and *Clifford* had the management of the great affairs of state? If the King had not then hearkened to the advice of his Parliament, what would all the laws that were then in force against papists have signified? And may you not see the same again, if you do not take some care to prevent it? What great difference between *Clifford* and some of our present great ministers, *only that he had that weakness to declare himself to be a papist, and these the discretion to keep the knowledge of their religion to themselves.* But we see they manage things as much in favour of popery, as ever *Clifford* did. Did not that toleration, that army, and that minister of state, repeal all your laws as effectually, as if they had never been made? When I consider how the *triple-league* was broke, after we had made laws for the keeping it, by giving near three millions; how the peace was made up at Nimeguen, after we had made an act for an actual war with France, and given above a million for entering into it; I will never believe that any law will be observed, make what you will, unless there be those about the King that may be for the keeping of it; otherwise you shall have such judges, justices, deputy-lieutenants, and other commissioned officers, as will repeal your laws at pleasure. And therefore I could wish you would consider well, how you possess those that sent you here, with an opinion that they may depend upon such laws as these. And at the same time, Sir, *that you are consulting the destruction of the papists, I think you may do well to endeavour the preservation of the protestants.* Is this a time for the church-men and dissenters to quarrel? It is like two men riding upon a road, a highway-man coming to rob them, instead of uniting to defend themselves, they quarrel and disarm one the other, and so were both robbed. I pray God this do not prove at last our case. For as that project of the papists hath, since *Wakeman's* trial, had strange success in dividing us; so no doubt

doubt but it will at last come to disarming us too ; and how that will facilitate their conquest, may be easily calculated ? Is this a time to weaken the protestant interest, by tearing us in pieces by the execution of acts made against papists ? That man that can believe, that that is the way to preserve the protestant religion, or protestant church, is fit to believe that St. Dennis walked many miles with his head under his arm, or any other popish miracle whatsoever. And therefore I think you will do well to hasten the bill for uniting of the protestant dissenters, that we may bring into the church as many of them as is possible, and not longer be so infatuated as to gratify the papists in that particular, by doing their business in destroying one another ; but prevent them if possible by union, *which will tend more to prevent popery than all the bills that have been proposed.*

Sir, I have read in scripture, *What King going to Paul Foley. make war against another, sitteth not down first, and consulteth whether he be able with ten thousand to meet him that cometh against him with twenty ?* I take the denial of the bill of exclusion to be a plain demonstration, that the popish party should not be deprived of a right to govern us ; and it is not to be doubted, that having that right, they will be sure to make use of all the power they can back it with. That we may be the better able to judge, whether we can fortify ourselves sufficiently against such a right, and the power that will naturally follow it, I pray, Sir, let us follow our Saviour's advice, and consult, *whether with ten thousand we can meet twenty thousand.*

When I consider how the triple league was broke, and how all alliances and transactions relating to peace and war have been since managed in favour of the *French* interest, contrary to the true interest of *England*, and the pressing importunities of foreign nations, as well as our own, I think we

cannot but conclude, that the Duke's interest, the *French* interest, and popish interest is all one. And that the Duke or popish interest have some great dependance on the *French* King, for his assistance in the settling of popery here. And no man can doubt this, but he that will not believe *Coleman's* letters, or that there was a peace made at *Nimeguen*, in order to put him in the better condition. If the jesuits do manage all the affairs of *Europe*, as is said, it may be justly feared, that the *French* King will improve this argument so, as to get *Flanders*, if not *Holland* too, before he perform his promise of giving them the expected assistance; which, being it will conduce to the destroying of the protestants abroad, as well as here, we may justly fear the jesuits will never obstruct.

Besides the dependance which the papists may have of assistance from this mighty monarch, in *Ireland* they are five to one for the protestants, and amount to many hundred thousands, full of bloody revenge, derived from their ancestors, wanting nothing but arms, (which they may have from *France* in a night) to be enabled to massacre all the protestants in *Ireland*, and to be ready to be transported hither. How the plot hath been carried on there in order to it; how endeavours have been there used to stifle and counterplot it; who commands all the *English* coast opposite to *Ireland*, we know; and how our forts and castles are provided, the examination of the governor of *Chepstow-castle* may inform you.

And that there may not want a strength to compel us on every side, is not the government of *Scotland* quite altered, by some acts made within these few years? Is it not become very near arbitrary, Parliaments in a manner laid aside, and the power invested in a privy-council? And is there not a standing army of twenty two thousand men, settled by act of Parliament, with a declaration, that

that they shall be ready to come into *England* upon any occasion? And is not the Duke now there, managing the government of that kingdom, and army too, by putting his own creatures into the council and into the command of the army, and using all other ways imaginable to improve his interest there?

And may we not conclude, that in *England* there may be one hundred thousand papists fighting men, and that *Portsmouth*, *Plimouth*, *Sheerness*, *Tilbury-Fort*, and *Hull*, and all other places of importance, shall, when that interest shall think it convenient, be in the hands of persons they may confide in, as well as the command of the militia and fleet.

And what now, Sir, can any man say is wanting, to enable this party to make a great contest with us, but a popish King to head them? And doth any thing stand in their way for that, but his Majesty's life? And is it not strange, that though we see things never so plain, that there is no remedy for poor protestants? can it be imagined, that if this party should once have a King on their side, endowed with a valorous spirit, and vowing revenge, spurred on with a fiery zeal, to get not only three crowns on earth, but the crown of glory in heaven, by rooting out a pestilent heresy out of three nations; that they will neglect so great an opportunity for the establishing of popery here? And will not the divisions they carry on amongst us, as to church-men and fanatics, plot or no plot, be very useful to them, but especially their arraignments of Parliaments, and all that speak against popery, as forty-one-men, and enemies to the government, occasion a great weakness on our side? I think, Sir, all this put together makes a great strength for that party, enough to bring us into misery, whatever the issue may be. I would now, Sir, give you some account how the protestants may be able in

such a case to defend themselves; but I protest, Sir, I know not what defence they will be able to make legally. It is true, Sir, as long as our good King lives, we may live in quiet; but things being thus, are not the papists under great temptations to go on with their old damnable design, or set up a new one for the destruction of the King. And if it should so happen, either by their wicked counsels, or naturally, I think there is no way left us to oppose this party, *but by a rebellion; and therefore I think we may conclude, that our lives, liberties, and religion, are to terminate with the King's life.*

I confess, Sir, this is a melancholy discourse, but I am afraid too true; and that the more you consider of it, the more reason you will have to believe, that there is such a net spread to catch poor protestants, as cannot fail to do it effectually, whenever the jesuits shall be pleased to draw it. And our condition looks the more dismal, because though King, Lords, and Commons, have so often declared that there hath been a damnable, execrable, devilish, hellish, abominable plot carried on by the papists, yet that all remedies against the like for the future must be denied us; I mean such as can signify any thing; and we must now again be exposed, as we were before the plot broke out, to all their barbarities, having only weakened that party by executing about twenty old men; but strengthened them much more, by having discouraged all witnesses from ever revealing more of their plots, and by the discoveries they had made of the strength of their party, in the stifling of this plot. And yet all will not open the eyes of some protestants, that so, if possible, we might be so happy as to lay our divisions aside, and join against the common enemy, without which we must certainly be ruined.

And if this be our case, and there be nothing wanting but a popish King to complete our misery,
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and the art of man cannot find out any way to secure us against a popish King, without the exclusion-bill; is it not strange it should be rejected in the house of Lords? I cannot believe that the fathers of the church should join in that, which must infallibly give opportunity for the tearing out of the bowels of their mother, and destroying her for ever. If so, well may we lie down and cry, *We have no body to help us, but only thee, O God.*

Sir, I have troubled you too long, but I hope what I have said, may be of some use to you in resolving about these bills that are proposed, though I think they will all come short of our case. Seeing you have voted a bill for the banishing of the papists, I think you may do well to try what a bill of association may amount to: But I agree with the opinion of those worthy members that have told you, that these things are put upon you, that you may give occasion to those that *wish ill to Parliaments, to argue thereby for your dissolution; and afterwards to persuade the people that you went about to dissolve the foundation of the government.* And therefore I do not expect any good effect of these bills.

Sir, by the serious discourse which that worthy member hath made of the sadness and insecurity of our condition, we may plainly see, how by the interest of the Duke of York, there is a great power combined against us, and that our condition is irrecoverable, if he should come to be King. And therefore, Sir, I desire you would put the question, upon a motion that was made a little while since, that it is the opinion of this committee, that, as long as the papists have any hopes of the Duke's succeeding to the government of this nation, the King's person, nor the protestant religion, nor the government of this nation, can be secure.

Sir Francis
Roll.

Resolved, That it is the opinion of this committee, that as long as the papists have any hopes of the Duke of York's succeeding the King in the kingdom of England and Ireland, and dominions thereunto belonging, the King's person, the protestant religion, and the lives, liberties, and properties of all his Majesty's protestant subjects, are in apparent danger of being destroyed.

Sir G. G.

Sir, I am of opinion the popish plot goeth on as much as ever, and the papists are so proud of it, as they cannot forbear bragging of their hopes to see better days speedily. I think, Sir, seeing we are not like for one while to have the exclusion-bill, we shall appear neglectful of our duty, if we do not try what security can be contrived by an association-bill. And therefore I humbly pray, that the house may be moved to appoint a committee, to draw up and bring in a bill for associating all his Majesty's protestant subjects.

Sir Henry
Capel.

Sir, The reason why we are now in this debate, is because a negative is pass'd on our bill for excluding the Duke of York. It is strange, seeing the danger of the protestant religion is so great, (if there be any intent to save it) that the only bill which could serve for that end should be thought too much. I am of opinion, that no other bills can do us any service at all (for it will be pretended they are all void, because made against the right and prerogative of your lawful King) without this exclusion-bill. Yet seeing his Majesty hath so often in his speeches recommended the security of the protestant religion by other ways, I think it is our duty to try what other laws can be made, though it be only to give the King and the world satisfaction, and to enable us the better to judge, whether such speeches proceed from his Majesty's goodness, or from evil council. I must confess,

fess, Sir, I am afraid, (seeing the Duke of York's interest is now as great at court as ever, and that there are so many of the privy-counsellors for him, as well as most others in places of trust and command) that they that advise the King to put in that limitation in all his speeches, do know, *that without that law there can be none made that can prejudice the Duke's interest, and so consequently not save the protestant religion, and therefore they advise it.* For how can we reasonably presume otherways, seeing his interest is so fixt as it is, and the *wheel within the wheel continues*, which hath been so often complained of. When I ponderate on the good things his Majesty always doth, when he is pleased to exclude the corrupt politics, and advice of others, I cannot but lament afresh our great misfortune in having a *popish successor*, that should be able to create such an interest, as to hinder us from the good effect thereof. His Majesty did once declare, how sensible he was of the inconvenience of being *advised by private cabals*, and seemed resolved to dismiss them; *and from that time forward to advise with his privy-council, and in cases extraordinary, with the great council the Parliament.* How he came to vary from that resolution I do not know; but I am afraid we shall not see any alteration in favour of the protestant interest, until we see some change in that particular. For though the Duke's friends may do very well to preserve the *Duke's interest, which upon all accounts is popery*; yet, I think, they are very inconsistent with the preservation of the protestant interest: And therefore until some alteration in council, as Parliaments have laboured in vain against popery these two years, so I am afraid we shall now. However, Sir, I am not against trying what strength you can make of an *Association-bill*; but I am afraid, that without the *Exclusion-bill*, you will find your work endless; and that one bill will occasion another, and all prove to little purpose with-

out it, and that you will but give your enemies a handle to represent you amiss, and get nothing.

w. Sir, The many discourses you have heard this day, touching the strength of the popish interest at home, and how combined with foreign power, doth not so much startle me, as to see, that all *the strength, upon which the protestant party must depend for security, is put into the hands of persons who are for the Duke's interest, which we have reason to understand to be the same with popery*; not a person being employed in any place of command or trust, that ever declared against that interest. If I be mistaken in what I say, I desire to be corrected; I speak according to the best information I could have, and I believe all here know, what an exact scrutiny there hath been often made in all countries and corporations, for the finding out of men that way inclined, or otherways so qualified, as are not fit to make any *opposition to the designs carried on by the popish party*. And if by chance any is put in, not fettered either by opinion or interest to that party, upon the first appearance he is presently discharged, as if he were a traitor to his country. And now after a long interval of Parliaments, and more and more discoveries of the reality and danger of the popish plot, not only here, but in *Ireland*, and of the many contrivances of that party to stifle new evidence, and to corrupt and discourage the old, of the certain ruin of the protestant religion from a popish successor and popish King, what remedies are we like to obtain this session? I am afraid very few or none; for I must confess, I am still of opinion, there can be none without the exclusion-bill, which the Lords have thrown out without so much as a conference; and therefore I am afraid, that what the witnesses have said they were told by several jesuits, is true; *That popery was so clenched and rivetted, that it did not lie in the power of God nor man to prevent the settling of it in this nation*. And if we consider what an interest.

terest that party hath now at present, and how things are prepared to afford them a greater assistance hereafter ; how a popish King, as well as our divisions and animosities, will contribute to it, though I hope God will make them liars ; yet I conclude, they have a great deal of reason to be very confident. And I see not how we can help ourselves, seeing there are so many Ministers of state about the King, who are as a partition-wall between him and his people. I find in *Coke's Reports*, that when the nation was in apparent danger, the people might go directly to the King with their grievances, and make their complaints and petitions known. I think we may do well to consult this text, and see if we can find out any better way than what we have tried already, to convey our humble supplications to his royal person. In the mean time I think you had not best to go off from the bill of association ; for which we have a precedent in Queen *Elizabeth's* time, first made by the gentry, and afterwards confirmed by act of Parliament.

Sir, I would not discourage you from going on L. G. with these bills ; but I am afraid they will fall far short of the power and strength that will be necessary, to root out an interest that hath been above one hundred years rivetting itself by all arts and ways imaginable, and hath now fixt itself so near the throne. I must confess, I am afraid we are at labour in vain, and that this interest hath so clenched itself, (as the jesuits term it) that it will break not only this Parliament, but many more, if not all Parliaments, and the protestant religion too. It is too weighty to be removed, or perverted, by such little bills as these : No, Sir, you will find, that nothing less than a *firm union amongst all the protestants in this nation can be sufficient to give any check to this interest.* As long as there are amongst us so many persons, as know not rightly how to apply the dangers of the church and state, nor the miseries of *forty one*, but will be led by

by popish projectors, I am afraid such bills as these will not do our business: Because they will not destroy that footing which they have at court, nor strengthen the protestant interest, which must have its original from union. It is strange that none, but those who are for the Duke's interest, should be the only persons thought fit to be in places of trust! It is so *strange a way to preserve the protestant church and religion*, that it raiseth with me a doubt, *whether any such thing be designed*. Such persons may be proper to manage affairs in favour of the popish interest; but it is to be admired, that they, and they only, should be thought fit to be intrusted with the protestant interest. I think it as hard for them to do it, as to serve two masters. It is not usual in other countries, to retain their enemies in the government, nor such as are friends to their enemies; and it is strange that we, of all other nations, should fall into this piece of policy. But, Sir, for these reasons you may conclude, that unless what laws you make be strong and well penned, they will signify nothing against so powerful a party as you have to do with.

Sir, Though it plainly appear, by what hath been said upon this debate, that the protestant religion is in a dangerous condition, yet when I consider how strangely God's providence hath hitherto helped us, and defeated all the wicked stratagems of this party, I cannot despair. Notwithstanding the breaking of the triple league, the *Dutch* war 1672. and the assistance given the *French*, the protestants abroad are not all destroyed: Neither by their firing of *London*, endeavours to corrupt Parliaments, and contrivances against the King's life, have they yet destroyed all at home. And as I doubt not but the King is willing to secure the protestant religion to us and our posterities, so I hope he will hearken to us, and grant such laws as may be necessary for the securing of it, he being most concerned therein. And

And therefore I hope that at last he will concur in such laws as we shall propose for that end, or contrive better.

Sir, There hath been so much said already upon the subject-matter of this debate, that I shall have little occasion to trouble you long. The worthy member that spoke a while since, hath shewed you from whence our fears of popery arise, from the dependance they have of assistance from *France, Ireland, and Scotland*, in case there should be a popish King, besides the party they have here, and the advantage they will have by the government, which is already secured for that interest, and of itself would be sufficient to contest with the protestant interest, who, in such a case, would have no King to head them, no persons in any place of trust to execute any laws in their behalf, nor no legal power to defend themselves. And therefore, seeing there is a negative pass'd upon the bill we had contrived to secure us from these great dangers, I think, Sir, we may do well to try if we can get any thing else. But I am persuaded if this association bill be made as it should be, that we shall have no better success with it than we had with the exclusion bill: For I am afraid, that though we are permitted to brandish our weapons, yet that we shall not be allowed to wound popery; but rather do believe, that they who advised the throwing out of that bill, will also do the same by this, or dissolve the house before it come to perfection: For this bill must be much stronger than that in Queen *Elizabeth's* days; that was for an association only after her death, but I cannot tell if such a bill will secure us now, the circumstances we are under being very different. In Queen *Elizabeth's* days, the privy counsellors were all for the Queen's interest, and none for the successor's; now most of the privy-counsellors are for the successor's, and few for the King's. Then the Ministers unanimously agreed to keep out popery,
now

now we have too much reason to fear, *there are many that are for bringing it in.* In those days they all agreed to keep the *popish successor* in Scotland, now the major part agreed to keep the *successor here*; all which must be considered in drawing up of the bill.

Resolved, *That it is the opinion of this Committee, that the house be moved, that a bill be brought in for an association of all his Majesty's protestant subjects, for the safety of his Majesty's person, the defence of the protestant religion, and the preservation of his Majesty's protestant subjects, against all invasions and oppositions; and for preventing the Duke of York, or any other papist, from succeeding to the crown.*

The 17th of December, 1680.

THE house resolved into a Committee, farther to consider of ways and means to secure the kingdom against popery and arbitrary government; and after several debates, how ineffectual all laws would prove, without having good Judges, Justices, and others in commission, that will execute them; and how frequent Parliaments would conduce to have laws put duly in execution,

Resolved, *That it is the opinion of this house, that the house be moved, that a bill be brought in, for the more effectual securing of the meetings and sittings of frequent Parliaments.*

Resolved, *That it is the opinion of this Committee, that the house be moved, that a bill be brought in that the Judges may hold their places and salaries, quamdiu se bene gesserint.*

Resolved,

Resolved, *That it is the opinion of this Committee, that one means to prevent arbitrary power is, that the house be moved, that a bill be brought in against illegal exaction of money upon the people, to make it High-Treason.* Reported to the house, and agreed to.

His Majesty's Speech made to both houses, December 15. was read.

Mr. Speaker,

S I R, The veneration that is due to all his Ma-^{J. Hampden} jesty's speeches doth require, that we should seriously debate them before we give any answer to them; but the circumstances we are under at this time challenge a more than ordinary consultation. For by the tenor of the speech I conclude, that the success of this Parliament depends upon our answer to it; and consequently, the safety of the protestant religion, both at home and abroad. And therefore I think my self very unable to advise in this matter, and should not have attempted it, but that you have encouraged me by your leave to speak first. So that if I offer any thing amiss, those that come after will have opportunities to correct me. I would begin with the latter end of the speech first; because that part of it is most likely to beget a fair understanding between his Majesty and this house. But I cannot but observe, what great care is here again taken of preserving the succession in the right line, as in all other his Majesty's speeches ever since the plot broke out. I think more could not be done, though it were in behalf of the King's son, and a protestant too. That limitation, and his Majesty's offer of securing the protestant religion, (if by succession in the right line may be meant the Duke) upon many debates in this house is found irreconcilable; and therefore must be imputed to those that have advised his

his Majesty thereto. To preserve the right succession in the Duke, is to preserve something or nothing. The something must be no less than the crown, in case of his Majesty's death; and so consequently the interest of the popish party, who, after one hundred years endeavours to have a prince of their religion, the indefatigable industry of the jesuits to obtain it, and the loss of so much blood spent therein, will, besides their principles and inclinations, lay on them great obligations, to make use of the opportunity to establish their religion again in this nation. So that I must confess, *these reservations look to me like a perfect design to save the whole party, accompanied with a power and a pretence sufficient to enable them to accomplish their end.* For to this the saving of the Duke's right doth amount, and consequently the destruction of the protestant religion. Which cannot be imagined to proceed from his Majesty. In former times, the interest of no one man could ever bear up against the interest of the nation; now it seems, that the religion, lives, and liberties of all the people of this nation, nay, I may say, all the protestants of the three nations, must all be lost, *rather than one man be dispossessed of his right; though by his act he hath made himself incapable to enjoy it.* Certainly there must be more intended by this than the saving of one man; it must be the saving of a party. And therefore, Sir, I am afraid we are but where we were two years ago. For it is plain to me, that there is a certain fatal scheme, which hath been exactly pursued these twenty years, in order to destroy the protestant interest, and hath had a strange secret operation in the management of all our affairs. And although now and then some accidents have happened, that have occasioned some alteration for a time; as by his Majesty's recalling the toleration, some transactions of Parliaments, the breaking out of the plot, and his Majesty's toleration of his council in 1679: Yet I observe, that after a
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little while there is no change in the main; all returns to the old scheme, as if there were a certain infallible balance that did preponderate. We have had so much experience of his Majesty's goodness and inclinations, that we cannot but conclude, that there is still some such thing, as a wheel within a wheel; whether *Jesuits*, (for 'tis like them) or who, I cannot tell, nor how the government is influenced, that the protestants should not be able to obtain any thing for their security. But we may guess, and justly fear, that it will never be otherwise, as long as there is a *popish* successor. The truth is, we have a hard task to serve our King and country in such a time as this is. We may expose our selves to the rage of a powerful party; but, I am afraid, get little to secure ourselves against their revenge. We are under the same inequality as fair gamesters that meet with those that use false dice; and are like to have the same ill luck at last, unless his Majesty should be pleased to consider, who stands up most for his government, and who plays fairest; and accordingly, change his councils. The *first three paragraphs* of the speech are about *alliances*; the *fourth*, about *Tangier*; the *fifth*, about securing the succession; the *sixth*, to know what we desire, and what we *will do*.

Sir, I take no delight in looking backward; but without doing it at this time, I am afraid, we shall not mend, as we go forward. It is not to be doubted but that, as well for the security of the nation at home, as of *Flanders* against the power of *France*, and the protestant religion abroad, we are under a necessity to make alliances; and that they cannot be made nor supported without money. But did we not give above *two millions* for the preservation of the *triple league*? And was it not by the power of the *French* and *popish* party employed to break it? Did we not a little while since give about a *million and an half* for an actual *French war*? And was there not presently a general peace made? Do not all fo-
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reign nations complain, that, notwithstanding all our treaties, pretences, and declarations, we have been only true to *France*? And what reason have we now to imagine, that if we should give money for leagues, that it would be employed otherwise than formerly? Is not the same scheme of government pursued still? Is not the *French Ambassador*, and the *French Women* too, as great at court as ever? And have not the Duke's creatures the management of all affairs? And if the Duke's interest, the *French* interest, and the popish interest, be all one, can you imagine, that your money shall be employed to make any alliances, that shall be for the advantage of the protestant religion? No, Sir, though his Majesty so intend it; yet the wheel within a wheel, which hath managed all other alliances hitherto, will also manage these, and have the disposal of our money too, and pervert it to our destruction. And until things settle here at home on a true protestant bottom, it cannot be imagined, that any foreign Prince will depend on us, or make alliances with us. And therefore as well for that, as because our money may not probably be disposed of for any good end, it is in vain to treat of either alliances or money. For until the interest be changed at court, that so there may be a better understanding between the King and his people, it cannot produce any thing for our advantage.

As to *Tangier*, and the succession, there hath been so much said already, when those points were debated, that I will not trouble you with more at this time.

But I beg leave to add something about the latter part of the speech, which doth a little comfort me, because I hope we may graft such an answer thereupon, as may beget a right understanding with his Majesty. I know this house is constituted of persons much different from that of the long Parliament, because of the many pensioners that were in it; and

that we need not now be afraid to talk of money. I believe we all know, that without giving money this session, the nation can never be happy, nor his Majesty's government so formidable as it ought to be. And therefore I would humbly move you to appoint a Committee, to draw up an address to assure his Majesty, that when his Majesty shall be pleased to grant us such laws, as are necessary for the security of our religion, which may be particularized in the address; that we will be ready to give him what money his occasions may require, not only for the support of *Tangier*, and alliances; but to enable him to have a good fleet at sea, for the encouraging of seamen, and security of trade, and preservation of his dominions; that so we may shew we are ready to express our duty, as well by our acts as words.

Mr. *Speaker*, Sir, being it is so apparent that all Lord Russell our fears of popery arise from, and center in the Duke of *York*; and that it is impossible the affairs of this nation should ever settle on a good protestant bottom, as long as there is a popish successor, which cannot be prevented but by the succession bill. That there may be no ill construction made of our desires, I would humbly move you to offer to supply the King with what money he may need for the support of *Tangier* and alliances, upon his granting of the succession bill only, that so his Majesty may have no reason to be diffident of us; not doubting, but that if we can once but lay a foundation for good correspondence, that his Majesty will take so much content in it, beyond what he doth now enjoy, that, to preserve it, he will afterwards grant us what more bills may be farther necessary for the security of the protestant religion. And therefore I am not for clogging this address with any request for any thing more, than that one bill.

Sir William
Jones.

Mr. *Speaker*, Sir, we have hitherto had so little success in our endeavours, that we may justly suspect, we are permitted to sit here, *rather to destroy our selves than to save our country*. It is a matter of admiration to me, that those who have so often advised his Majesty, to put this, and the former Parliaments, upon finding out expedients, for securing the protestant religion, without altering the succession, should all this while find out none themselves; but still continue advising the King to put that upon us, which, after many debates, is found to be impossible. And that the King should always have at his elbow persons ready to remember him constantly to make this limitation, which, in all appearance, must tend to the final destruction of the protestant religion. And that there should be no body there to mind him of proposing some expedients to prevent it, only in general words, of which no use can be made. According to the opinion of three successive Parliaments, the limitation in favour of the popish interest is plain, intelligible, and practicable. I hope his Majesty, against the next occasion, will require them that have so advised him, to make the expedients and other ways to secure the protestant religion, as plain and practicable, that so we may see if the security of the protestant religion be designed in good earnest by such advisers, which I cannot believe; because what they propose is, in my opinion, a contradiction in it self. Without the exclusion-bill there can be no expedient but what will leave us in that miserable condition, of having, first or last, a contest with our lawful King. And there can be no such thing as setting up a power to oppose him, but by putting a kind of *supreme authority in the Parliament*; with a power to oppose, as well by making war as laws, which might prove the destruction of the monarchical

cal government. The said trust or power (without the exclusion bill) being not to be reposed in the next heir, or any single person, lest he should die before he come to have the power in him, or utterly refuse to act, if he should live to have a right, by virtue of such a settlement, to administer the government. In such a case, there would be no lawful power lodged any where else, to oppose such a King, and there must not be an interregnum. By this short account you may see, what difficulties all expedients will be liable to; and may conclude, that those that advise the King to make this limitation, do intend it as an *expedient to make the endeavours of Parliaments ineffectual, and to bring in popery*. And if you had offered at such expedients as I have mentioned, as the last house of Commons was arraigned for omnipotent and arbitrary, so would this with some worse character; as having attempted to destroy the monarchical government, that if possible, the King and people might be put out of love with Parliaments. But, Sir, though it is plain, that things are thus out of order; yet let us not be wanting in our duty, but give such an answer to his Majesty, as may, if possible, create in him a good opinion of this house, and satisfy him of the necessity of the bill of exclusion; and that all other acts of grace will but serve to fatten us for the slaughter of our enemies. The last part of this speech, I believe, is his Majesty's own; he seems willing to know what you expect from him, and what you will do for him; which I think is a fair proposition to come to an understanding. And although it be not good manners to offer to make a bargain with his Majesty; yet as in bargains there is a *quid pro quo*, so in this. And I think we need not fear talking of money in this house, being all seem resolved to give it freely, if we can be secured of our religion, but no otherwise. And therefore I humbly

bly conceive, you may accordingly exprefs your felves plain in your addrefs.

W. G. Mr. *Speaker*, If you do not represent all your grievances in this addrefs, as the condition of your giving money, whatever you fhall offer at afterwards will be looked upon as clamorous, and out of order. And therefore I would advife you, not to omit any one grievance you expect any remedy in. And I am for enumerating all your grievances, in the addrefs, which have been lately debated. And I do admire no body takes notice of the ftanding army; which if not reduced to fuch a number as may be convenient for guards, and fo limited, that they may not be increafed, unlefs in cafe of a rebellion, or an invafion, all your laws may fignify nothing. And I am not fatisfied in the making of fuch general offers of money. For if you do, you will hear in time, that the fleet needs one million; alliances, as much more; and *Tangier*, (tho' I think not worth keeping) little lefs. A demand of three millions, grounded on your general promife, would perplex the houfe how to come off with that reputation, which a houfe of Commons ought to preferve with the King. I know not how fuch a promife may be turned upon you; and therefore I am either for demanding more, or promifing lefs.

Sir E. H. Mr. *Speaker*, Sir, I am very unwilling to have this Parliament broken; yet I cannot agree, that, to prevent it, we fhould offer fo much, and demand fo little, as has been mentioned. Have we not fat two days in a Committee, to examine the dangerous eftate of the kingdom, and ordered feveral good bills to be brought in thereupon, for the fecuring us againft popery and arbitrary power? And fhall we now the next day lay all thofe bills afide, and be content with the exclusion-bill only, which I think will be worth nothing, unlefs you can
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get more. And therefore, though to obtain them, you spoke plain *English*, and mentioned what sum you intend to give; I think you will be safer to offer money in general words, without declaring what, or enumerating your bills.

Mr. *Speaker*, Sir, I cannot agree with this worthy *G. V.* member; for it would take up some days debates, to agree what sum is necessary to supply his Majesty's occasions, and what sum to express. And it may be to no purpose, as the case stands with us, unless we are sure his Majesty would find out some way to bring the exclusion-bill about again, then indeed we might come to particulars. In the mean time, a promise in general words may be sufficient, and save the house a great deal of time. And for my part, I am not for enumerating many bills, but should be content to give money upon having the exclusion-bill only; which being so precisely necessary for the preservation of our religion, all the world would justify us in the demanding it before we part with money; and therefore I desire the Committee may draw up the address accordingly.

Resolved, That a Committee be appointed to prepare an humble address to his Majesty, upon the debate of the house, in answer to his Majesty's speech.

The 20th of December, 1780.

Mr. *Hampden* reports the address; which was read.

The humble address of the house of Commons presented to his Majesty, in answer to his Majesty's gracious speech to both houses of Parliament, upon the 15th day of the same December.

May it please your most excellent Majesty,
WE your Majesty's most dutiful and loyal subjects, the Commons in this present Parliament assembled, having taken into our serious consideration your Majesty's gracious speech to both houses of Parliament, on the 15th of this instant *December*; do, with all the grateful sense of faithful subjects and sincere protestants, acknowledge your Majesty's great goodness to us, in renewing the assurances you have been pleased to give us, of your readiness to concur with us in any means for the security of the protestant religion, and your gracious invitation of us, to make our desires known to your Majesty.

But with grief of heart we cannot but observe, that, to these princely offers, your Majesty has been advised (by what secret enemies to your Majesty, and your people, we know not) to annex a reservation, which, if insisted on in the instance to which alone it is applicable, will render all your Majesty's other gracious inclinations of no effect or advantage to us. Your Majesty is pleased thus to limit your promise of concurrence, in the remedies which shall be propo'd, that they may consist with preserving the succession of the crown in its due and legal course of descent.

descent. And we do humbly inform your Majesty that no interruption of that descent has been endeavoured at by us, except only the descent upon the person of the Duke of *York*, who, by the wicked instruments of the church of *Rome*, has been manifestly perverted to their religion. And we do humbly represent to your Majesty, as the issue of our most deliberate thoughts and consultations, that for the papists to have their hopes continued, that a Prince of that religion should succeed in the throne of these kingdoms, is utterly inconsistent with the safety of your Majesty's person, the preservation of the protestant religion, and the prosperity, peace, and welfare of your protestant subjects.

That your Majesty's sacred life is in continual danger, under the prospect of a popish successor, is evident, not only from the principles of those devoted to the church of *Rome*, which allow, that an heretical Prince (and such they term all protestant princes) excommunicated and deposed by the Pope, may be destroyed and murdered; but also from the testimonies given in the prosecution of the horrid popish plot, against divers traitors, attainted for designing to put those accursed principles into practice against your Majesty.

From the expectation of this succession, has the number of papists in your Majesty's dominions so much encreased within these few years, and so many been prevailed with to desert the true protestant religion, that they might be prepared for the favours of a popish prince, as soon as he should come to the possession of the crown; and while the same expectation lasts, many more will be in the same danger of being perverted.

This it is that has hardned the papists of this kingdom, animated and confederated by their priests and jesuits, to make a common purse, provide arms, make application to foreign princes, and sollicit their aid, for imposing popery upon us; and

all this, even during your Majesty's reign, and while your Majesty's government and the laws were our protection.

It is your Majesty's glory and true interest, to be the head and protector of all protestants, as well abroad as at home: But if these hopes remain, what alliances can be made for the advantage of the protestant religion and interest, which shall give confidence to your Majesty's allies, to join so vigorously with your Majesty, as the state of that interest in the world now requires, while they see this protestant kingdom in so much danger of a popish successor? by whom, at the present, all their councils and actions may be eluded, as hitherto they have been; and by whom (if he should succeed) they are sure to be destroyed.

We have thus humbly laid before your Majesty, some of those great dangers and mischiefs, which evidently accompany the expectation of a popish successor. The certain and unspeakable evils which will come upon your Majesty's protestant subjects, and their posterity, if such a prince should inherit, are more also than we can well enumerate.

Our religion, which is now so dangerously shaken, will then be totally overthrown; nothing will be left, or can be found to protect or defend it.

The execution of old laws must cease, and it will be vain to expect new ones. The most sacred obligations of contracts and promises, (if any such should be given) that shall be judged to be against the interest of the romish religion, will be violated; as is undeniable, not only from argument and experience elsewhere, but from the sad experience this nation once had on the like occasion.

In the reign of such a Prince, the Pope will be acknowledged supreme, (though the subjects of this kingdom have sworn the contrary) and all causes, either as spiritual, or in order to spiritual things, will be brought under his jurisdiction.

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The lives, liberties, and estates of all such protestants, as value their souls and their religion more than their secular concerns, will be adjudged forfeited.

To all this we might add, that it appears in the discovery of the plot, that foreign Princes were invited to assist in securing the crown to the Duke of *York*, with arguments from his great zeal to establish popery, and to extirpate protestants (whom they call heretics) out of his dominions; and such will expect performance accordingly.

We farther humbly beseech your Majesty, in your great wisdom to consider, whether, in case the imperial crown of this protestant kingdom should descend to the Duke of *York*, the opposition which may possibly be made to his possessing it, may not only endanger the farther descent in the royal line, but even monarchy itself.

For these reasons, we are most humble petitioners to your most sacred Majesty, that, in tender commiseration of your poor protestant people, your Majesty will be graciously pleased to depart from the reservation in your said speech; and when a bill shall be tendered to your Majesty, in a Parliamentary way, to disable the Duke of *York* from inheriting the crown, your Majesty will give your royal assent thereto; and as necessary to fortify and defend the same, that your majesty will likewise be graciously pleased to assent to an act, whereby your Majesty's protestant subjects may be enabled to associate themselves for the defence of your Majesty's person, the protestant religion, and the security of your kingdoms.

These requests we are constrained humbly to make to your Majesty as of absolute necessity, for the safe and peaceable enjoyment of our religion.

Without these things, the alliances of *England* will not be valuable, nor the people encouraged to contribute to your Majesty's service.

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As some farther means for the preservation both of our religion and property, we are humble suitors to your Majesty, that from henceforth such persons only may be judges within the kingdom of *England*, and dominion of *Wales*, as are men of ability, integrity, and known affection to the protestant religion: And that they may hold both their offices and salaries, *quamdiu se bene gesserint*. That (several deputy Lieutenants and Justices of the peace, fitly qualified for those employments, having been of late displaced, and others put in their room, who are men of arbitrary principles, and countenancers of papists and popery :) such only may bear the office of a Lord-Lieutenant, as are persons of integrity and known affection to the protestant religion. That deputy Lieutenants, and Justices of the peace, may be also so qualified, and may be moreover men of ability, of estates and interests in their country.

That none be employed as military officers, or officers in your Majesty's fleet, but men of known experience, courage, and affection to the protestant religion.

These our humble requests being obtained, we shall, on our part, be ready to assist your Majesty for the preservation of *Tangier*; and for putting your Majesty's fleet into such a condition, as it may preserve your Majesty's sovereignty of the seas, and be for the defence of the nation.

If your Majesty hath, or shall make any necessary alliances for defence of the protestant religion, and interest and security of this kingdom, this house will be ready, to assist and stand by your Majesty in the support of the same.

After this our humble answer to your Majesty's gracious speech, we hope no evil instruments whatsoever, shall be able to lessen your Majesty's esteem of that fidelity and affection we bear to your Majesty's service; but that your Majesty will always retain,

retain, in your royal breast, that favourable opinion of us your loyal Commons, that those other good bills which we have now under consideration, conducing to the great ends we have before mentioned, as also all laws for the benefit and comfort of your people, which shall from time to time be tendred for your Majesty's royal assent, shall find acceptance with your Majesty.

Mr. *Speaker*, Sir, I have hearkned with all the attention I could to this address, and do agree with the first part of it. The dangers and inconveniencies arising from a popish successor are very obvious; and that there will be no peace nor tranquillity in this nation for the present, as long as there is a popish successor; and that our religion will be lost, if there should be a popish King, I am afraid, is too true: But yet I must crave leave to dissent from the true opinion of those worthy members that have drawn it, as to the other parts thereof. I think it is not convenient, at this time, to press so hard for the exclusion-bill, because we know we cannot have it without a prorogation; which, for my part, I fear at this time, as much as I do a popish successor; for I do believe, if it should happen, that you will sooner see the Duke at *Whiteball*, than this assembly met together again between these walls: And therefore, I am not willing to give the popish party such an advantage to procure our dissolution, lest they should lay hold of it, as I believe they would; by which the protestant interest, both abroad and at home, would be ruined. And as I cannot agree in this, so neither in pressing the association-bill; for being it hath not yet been brought into the house, we do not well know what will be the purport of it. And it is not proper, that we should ask of the King we know not what; nor expect that he should grant us what he can know nothing of. And truly, Sir, I think that these things

*Edward
Vaughan.*

things about the Judges, Deputy-Lieutenants, and Justices of the peace, are minute things to be insisted on at this time, compared with others which might be demanded. *Queen Elizabeth's Counsellors never thought her safe, until the popish successor was inclosed in a tower ; and I am afraid that you will never be safe, until you take some such course that may bring things to an issue.* When you have done that, and banished all the considerable papists out of *England*, I think we shall not be in so apparent danger, as we now are. And seeing this may probably be granted, and the other bills not, I humbly move you to recommit the address, that it may be better considered. I know not how this may agree with the sense of the house ; but I shall always crave leave to speak in this place according to my conscience, that so I may have peace within me ; but readily submit to better judgments.

Sir William
Jones.

Mr. *Speaker*, Sir, I am very glad that worthy member agrees in the apprehensions of the dangers arising from a popish successor, and in the necessity of the bill of exclusion ; and am very sorry I cannot agree with him in the rest of his discourse. I cannot imagine, without a high reflection upon his Majesty, that if he should be persuaded to prorogue the house for two or three days, in order to pass the exclusion-bill, that he should, instead of permitting us to meet again, dissolve the Parliament ; which is quite contrary to it. I fear a prorogation, without being intended for this ; but if once we could prevail with his Majesty to do it for this end, I should not doubt the desired effect. And in pressing the association-bill, we shall not press the King to grant us we know not what : The word association may very well be understood, and the ends of it are declared to be for the security of his Majesty's person, and the protestant religion. And if, when drawn, it should be directed to other ends, I suppose this house
will

will take care to mend it; if not, the King's promise can bind no farther than to pass a bill for those ends. But I do much admire to hear, that the having of good Judges, Justices, and Commanders at sea and land, is a trivial thing; for I think that all other things you desire without it, would signify nothing. As long as the laws and militia of the nation are in the hands of persons not well affected to the protestant interest, I am afraid we shall have no security against popery. As to the new way that hath been proposed, of bringing matters relating to the popish successor to such an issue, as that he may be secured, as in Queen *Elizabeth's* time. If he had been sensible, that there are none in office but what are for his interest, he would first have agreed to have endeavoured to have got such changed, before he would have proposed that way. And it would be necessary that we should also have such Privy-Counsellors as Queen *Elizabeth* had, and not eleven to seven for the popish successor. And therefore seeing these proposals have no more appearance of being for your service, I see no reason you have to be diverted from the way you were going: And therefore I humbly move to agree with your Committee.

The house agreed.

The 21st of December, 1680.

A bill was read for uniting his Majesty's protestant subjects.

Mr. Speaker,

SIR, It is not to be doubted but that the happiness of this nation, and safety of our religion, doth depend very much upon preserving the well-constituted government of the church; and that the govern-

government in the state will not long stand, if that be pulled down, to which, I am afraid, this bill will contribute very much. Sir, it is well known, how, notwithstanding all the endeavours of his Majesty, as well in Parliament as otherwise, all the acts that are in force against dissenters, all the endeavours of the fathers of the church, there are a sort of men, and great numbers too, who will neither be advised, nor over-ruled; but, under the pretence of conscience, break violently through all laws whatsoever, to the great disturbance both of church and state. And if you should give them more liberty, you will encourage them to go on with more boldness; and therefore I think it will be more convenient to have a law, *for forcing the dissenters to yield to the church, and not to force the church to yield to them*; and I think we are going quite the wrong way to do the nation good. And therefore I am against this bill.

D. Mr. Speaker, Sir, I would not open my mouth in favour of this bill, if I thought it would any ways prejudice the church, or church-government; but I believe it may have a quite contrary effect, and tend more for the preservation and safety of the church and church-government, than any bill whatsoever that could be contrived. We have a church-government settled by law, to which the major part of the people, like good Christians and loyal subjects, give obedience; but it is our misfortune that there are in the nation a great many, who will not submit to this government, who may be divided under three heads. 1. The papists, who differ from us in points of faith, and will not give any obedience but to the church of *Rome*. 2. Independents, presbyterians, and some others, who agree in points of faith, and differ only in some points of doctrine and ceremonies. 3. Quakers, who disagree not only in points of doctrine and ceremonies, but in points of

of faith, and are a head-strong sort of unreasonable people, that will not submit to any laws made about religion, but do give obedience to the civil magistrate upon all other occasions. The church of *England*-men are not only the greatest number, but have the government of their side. What laws to make, that may tend most to the preserving of it, is your business. It is in danger from the papists on the one hand, and the rest of the protestant-dissenters on the other, who in some measure agree in their enmity and disrespect to the church, and therefore the more care ought to be taken for its preservation.

Having thus, Sir, discovered the danger of the church in general, it will be necessary, in order to find out a remedy, to discourse a little of the strength and interest of each party in particular.

Sir, the papists are not the greatest number, but yet, in my opinion, upon several considerations, are most to be feared, because of their desperate principles, which make them bold and indefatigable, and the assistance they may have from *Rome*, *France*, and *Ireland*; but above all, from the great share they have in the management of the government, by the means of a popish successor, and the fear of their getting the government into their hands hereafter, by having a popish King. Which of it self hath been sufficient in former times to change the religion of this nation, and may justly be feared, may have the same effect again, unless the protestants be well united. The presbyterians, independents, and all other dissenters, may be more in number than the papists, and may be willing enough to have the church-government altered, if not destroyed; yet being they cannot have any succour from abroad, nor from the government here at home, I cannot see any great danger from them. For it is not probable that they shall ever have a King of their opinion, nor a Parliament, by the discovery they
made

made of their strength in the last elections. For, according to the best calculation I can make, they could not bring in above one in twenty. And therefore, because they have not such bloody desperate principles as the papists, and because we agree in points of faith, and so no such great danger from them as from the papists, I think we have reason to conclude, that the church is most in danger from the papists, and that therefore we ought to take care of them in the first place; and we cannot do that by any way more likely to prove effectual, than by some such bill as this. Because if it should have the effect designed, of bringing in many of the dissenters into the church, it would disappoint them of the great hopes they have grounded on our divisions, and make the church stronger, not only to oppose the papists, but such fanatics as may not come in. And if we should be so unfortunate, as that this bill should not have this success, I do not understand it will any way weaken the church-government. And therefore I am for this bill.

F. Mr. *Speaker*, Sir, This bill is intended for the preservation of the church, and I am of opinion, is the best bill that can be made in order thereto, our circumstances considered. But I know not what effect it may have, because you are to deal with a stubborn sort of people, who in many things prefer their humour before reason, or their own safety, or the public good. But, Sir, I think this is a very good time to try, whether they will be won by the cords of love or no, and the bill will be very agreeable to that christian charity which our church professes; and I hope that in a time of so imminent danger as we are in, of a common enemy, they will consider their own safety, and the safety of the protestant religion, and not longer keep afoot the unhappy divisions that are amongst us, on which the papists ground their hopes. But rather seeing the church

church doth so far condescend, as to dispense with the surplice, and those other things which they scruple at, that they will submit to the rest that is enjoined by law, that so we may unite against the common enemy. But if this bill should not have this desired effect, but, on the contrary, notwithstanding this condescension, they should continue their animosities and disobedience to the church, I think still the church will gain very much hereby, and leave that party without excuse, and be a just cause for the making of more coercive laws. So that upon all accounts you have been well moved for the passing of this bill.

Mr. *Speaker*, Sir, I very much admire to hear it alledged, that this bill will tend to the advantage of the church; For how can the pulling down of the pales, and weakening the laws against its enemies, be a way to preserve it? I am of another opinion, and do think this bill may not only occasion a great weakness, but give, I fear, a mortal wound to the church. Is it not much more reasonable, that the dissenters should submit to the church, than the church to the dissenters? And I am afraid, if once the government should begin to yield to them, it will be as in Forty one, nothing will serve but an utter subversion; the having of one thing will give occasion for demanding more; and it will be impossible to give them any satisfaction, without laying all open and running into confusion. It is our misery, that the church is in so much danger of popery; pray, Sir, let us have a care how we increase her danger from fanatics. Instead of this bill, I humbly conceive, that laws to force the execution of such laws as are in being against the dissenters, and what more may be necessary to compel an entire obedience, (seeing the experience we have already had of this other way hath not proved effectual) may more

contribute to the strengthening of the church, and pervention of popery.

Mr. *Speaker*, Sir, As well church-men as dissenters do all know we have a dangerous common enemy that is got within our bowels, and wants nothing but a King to their minds to have the strength of the nation, as well civil as military, at their command, and so consequently a sufficient power to destroy the protestant religion, if not prevented by a timely union of the protestant interest. The question that may properly arise at this time is, whether the putting of the laws we already have in execution, and making more against dissenters, in order to bring them into the church by force, or the making of the law to bring them in by fair means, be the most likely way to unite us, that so we may be in a better condition to oppose the common enemy. It is obvious to me, that the making of new laws, or execution of the old, at this time, is the ready way to ruin us; and what the papists do certainly desire and aim at above all things whatsoever. For if it should be put in practice the effect would be this; It would be the occasion of throwing off the farther prosecution of the plot and popery, and in a little time occasion, not only more heats and animosities, but such a revengeful implacable spirit amongst us, as would prove irreconcilable, and give opportunity for the popish interest to join with either party, or at least ways abet and assist them under hand, so as that they shall easily be provoked to destroy one the other. But if this should not happen, what real love, friendship, or obedience, can the church expect from such persons, as by the execution of such laws may be forced to come to church? How can they be depended on, or the church be strengthened by them? You may prevent their conventicles, and force them either to come to church, or pay fines, or be imprisoned; but you cannot expect that their opinions or affections

affections should be altered by such proceedings, without which the church can never be the stronger. It must be a work of time to reconcile the divisions that are amongst us, and may be a great and necessary employment for many Parliaments hereafter, when the common enemy doth not give such a just occasion of distraction, and for employing all your thoughts and care about him; when they may have more leisure, because their dangers may not be so imminent. But to go about it at this time by any such laws, is the ready way to weaken the protestant interest, and bring ruin upon us. But suppose we would follow this advice, and make new laws, and require a severe execution of the old, how can you imagine that, as long as the popish interest is so prevalent, the execution of such laws should be continued longer, than may be subservient to the interest of that party? Have we not had a sad experience of this? Hath the *Oxford-act*, or that of the 35 of Queen *Elizabeth*, or any other against the dissenters, been executed in favour of the church? Are not the dissenters as many, if not more, now than ever? And is not experience in all affairs the best master? And is there any thing more visible, than that these laws have been made use of to serve the popish interest, or as engines rather for the affairs of the state than church? When in the year 1670, by the severe execution of these laws, all meetings in conventicles were prevented, and many dissenters came to church, did not the toleration happen thereupon? And was not the execution of the laws put afoot, as may be presumed, by that great papist *Clifford*, who had then the greatest share (under his Majesty) in the administration of the government? If the execution of the laws against dissenters had been for the advantage of the church, why was there then granted a toleration? And if the toleration had been intended for the advantage of the protestant religion, why were not the church-men, nor dissenters of any kind

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pleased

pleased with it? And if the *Oxford-act*, and other laws against dissenters, were projected in favour of the protestant religion, it was strange that they were so much promoted (as many members now here, who did serve in those Parliaments do remember) by Sir *Thomas Clifford*, Sir *Solomon Swale*, and Sir *Roger Strickland*, who have since all appeared to be papists. Sir, we have been strangely led by the popish interest for many years already; I pray, Sir, let us not now at last do like *Narcissus*, to be so much in love with a shadow, as to fall into a gulph, and drown our selves. Sir, I am afraid the *name of church hath been strangely made use of to bring in popery*. I hope we shall endeavour to preserve, not only the name, but the substance, I mean the protestant religion, otherwise we may come off no better than the dog in *Æsop's Fables* with his shoulder of mutton. I hope that what I have said will not represent me as an enemy to the church, or church-government; I am sure, I am not conscious to my self, that I ever entertained a thought against the preservation of either. All what I have said, doth proceed from an apprehension that *our churchmen of late have been out of the right way to preserve either our religion or our church*; because the courses which they take must (though I am far from suspecting they design it) give a great assistance to popery. I remember that after the plot broke out, there was for a little while a kind of reconciliation amongst protestants, and an united opposition made to the common enemy; and how then the popish interest gave way, we may all remember; but this was too much in favour of the protestant religion to hold long. Within a few months the fire broke out again, and the pulpits and the press, instead of being employ'd against the common enemy, were reduced to their old way, of carrying on the divisions amongst protestants: And how the popish interest have since gone on triumphant again, all here, I suppose, may know. Sir, the church hath two strong

strong enemies, the papists and fanatics. We are already engaged in a sharp contest with the papists, and find they are strong enough for us; why must we now also enter into a fresh engagement with the fanatics, especially when we may be sure thereby to strengthen our enemies, and weaken our selves? Such advice cannot proceed from such as are friends to the protestant church: If we should make new laws against dissenters, as hath been moved, and enforce the execution of the old ones, as long as we have a popish successor, can any man imagine, that the execution of them will be longer kept afoot, than will consist with the popish interest? Sir, our church and religion will be lost, if union be not improved amongst protestants, and I think no bill can promote it like this. And therefore I am for the passing of this bill.

Resolved, That the said bill be committed upon the debate of the house.

December 23, 1680.

Some queries relating to the execution of *William* late Viscount *Stafford*, offered to the house by the Sheriffs of *London* and *Middlesex*.

1. *Whether the King, being neither judge nor party, can order the execution?*
2. *Whether the Lords can award the execution?*
3. *Whether the King can dispense with any part of the execution?*
4. *If the King can dispense with some part of the execution, why not with all?*

Mr. Speaker,

SIR, Death is the end of the law in criminal matters; the other particulars of the sentence are but ceremonies, used *ad terrorem*. I never read of

of any peer that was quartered, though many have been condemned for treason, and some in Parliament. The Lady *Jane Gray*, and many other women, have been condemned for treason, and in that case are always condemned to be burnt; but however, are usually, if persons of honour, beheaded. Wherefore it is probable, that the royal power hath always dispensed with such sentences formerly; and if so, this house lieth not under any obligation to offer at any opposition, nor concern themselves herein, especially at this time, when such a dispute may end in preventing the execution of the said Lord *Stafford*. And therefore I humbly conceive you may do well to give your consent, that the said writ be executed according to its tenor.

Resolved, *That this house is content that the Sheriffs of London and Middlesex do execute William late Viscount Stafford, by severing his head from his body only.*

December 30, 1680.

A motion being made in the behalf of Judge Rayman, that one Sherredon, in custody of the Serjeant at arms, by order of the house, had moved for his Habeas Corpus; which he had denied, because he was committed by order of the house, desiring the opinion of the house.

Mr. Speaker,

Sir William
Jones.

SIR, The privileges of both houses of Parliament are concerned in this business, and in that the very being of Parliaments; and therefore we must be very careful what we do in it. I have perused the *Habeas Corpus* bill, and do find, that there is not any thing in it that doth reach, or can be intended to reach to any commitment made by either house of Parliament during session. The pre-

preamble of the act, and all the parts of it, do confine the extent of the act to cases bailable, and directs such courses for the execution of the act, as cannot be understood should relate to any commitment made by either house. This house is a court of it self, and part of the highest court in the nation, superior to those in *Westminster-hall*; and what laws this house joins in making, are to bind inferior courts, but cannot be understood to bind themselves as a court; that would prove not only dangerous, but destructive to the dignity of Parliaments, and level them with the courts in *Westminster-hall*. Great care ought to be taken how you allow of restraints and limitations to the proceedings of both houses of Parliament, being so great a part of the legislative power of the nation, lest thereby you should by degrees render them useless. A commitment of this house is always in nature of a judgment; and the act is only for cases bailable, which commitments upon judgments are not; at least commitments by this house were never yet allowed to be bailable. And I suppose you will never grant them so to be. Can it be imagined that this house, who represent, all the Commons of *England*, should not be intrusted with as much power for the preservation of their constitution upon which the support of the government so much depends, as ordinary courts and officers are intrusted with, which are only designed for the welfare of particular persons. I am of opinion, that no act can deprive this house of that power which they have always exercised, of committing persons without bail, unless in express words it be so declared: Nor of discharging upon bail after committed. The same reasons which may be given for discharging such as are not committed for breach of privilege, if it be grounded on the act for the *Habeas Corpus*, will hold as strong for the discharging of persons committed for breach of privilege; and so consequently deprive this house of all its power and

dignity, and make it insignificant. This is so plain and obvious, that all judges ought to know it; and I think it below you to make any resolve therein, but rather leave the judges to do otherways at their peril, and let the debate fall without any question.

F. Winning-
son.

Mr. *Speaker*, Sir, the last house of Commons being sensible how narrowly this nation escaped being ruined by a sort of monsters called pensioners, which sat in the late long Parliament, had entered into a consideration how to prevent the like from coming into future Parliaments; and in order thereto resolved, that they would severely chastise some of those that had been guilty, and make the best laws they could to prevent the like for the future: And for that purpose a committee was appointed, of which Mr. Serjeant *Gregory*, now judge *Gregory*, was chairman; by which, many papers relating to that affair came to his hands. Sir, I think it a business of so great importance, that it ought never to be forgotten, nor the prosecution of it deferred. I have often heard, that *England* can never be destroyed but by itself: To have such Parliaments was the most likely way that ever yet was invented. I remember a great lawyer said in this house, when it was debated in the last Parliament, that it was treason; and he gave many learned arguments to make it out. Whether it be so or no, I will not now offer to debate; but I think that for those that are the legislators of the nation to take bribes, to undermine the laws and government of this nation, that they ought to be chastised as traitors. It was my fortune to sit here a little while in the long Parliament; I did observe that all those that had pensions, and most of those that had offices, voted all of a side, as they were directed by some great officer, as exactly as if their business in this house had been to preserve their pensions and offices, and not to
make

make laws for the good of them that sent them here.
 How such persons could any way be useful for the support of the government, by preserving a fair understanding between the King and his people, but on the contrary how dangerous to bring in arbitrary power and popery, I leave to every man's judgment. They were so far from being the true representatives of the people, that they were a distinct middle interest between the King and the people; and their chief business was to serve the end of some great minister of state, though never so opposite to the true interest of the nation. Sir, this business ought never to fall, though there should be never so many prorogations and dissolutions of Parliaments, before any thing be done in it; I think it is the interest of the nation, that it should be prosecuted from Parliament to Parliament, as if there were an impeachment against them. And therefore, Sir, I would humbly move you to send some members of this house to judge Gregory, for the papers he hath taken in his custody relating to this affair, that so you may in convenient time proceed farther herein, as you shall think good. And, Sir, being there is a report that some of this house have now made a bargain at court for great offices, in order to vitiate and corrupt their votes in this house; which though but a project to cast a reflection on such members, however to satisfy the world, I pray Sir, let there be a vote past, *That no member of this house shall accept of any office under the crown, during such time as he continues a member of this house.*

Mr. Speaker, Sir, I am so over loaden with melancholy, as that I can hardly speak in this matter: For I have received so many compliments as to my being constituted a great minister of state, that I begun to flatter myself, as others flattered me, that I was really so. But now I do discover, that I have

Silas Titus.

have been but in a kind of a dream; and to fear that I shall never in reality have any such office. But whatever vote you make to punish us officers, I pray, Sir, let it not be so severe as that it may prejudice the public. Suppose his Majesty should have occasion to send some persons to *Nimeguen* for plenipotentiaries, and there should not be any men in *England* fit for it, but some that should be members of this house, would you have the public affairs of the nation injured, rather than such members should accept of such an employment? Or suppose some invasion should happen, and there were no couragious expert admirals to be had, but such as were members of this house, should they not accept thereof because of your vote? To prevent these inconveniencies, to leave us all some hopes, I pray, Sir, add to your votes, *not without leave of the house.* After some farther debate.

Resolved, That no member of this house shall accept of any office or place of profit from the crown, without the leave of this house; nor any promise of any such office or place of profit, during such time as he shall continue a member of this house.

The End of VOLUME I.

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